

1873
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ACTS

OF THE

CALLED SESSION, 1863.

AND OF THE

THIRD REGULAR ANNUAL SESSION

OF THE

GENERAL ASSEMBLY OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING ON THE

17TH DAY OF AUGUST AND THE 2D MONDAY IN NOVEMBER,

1863.

JOHN GILL SHORTER, Governor until Dec. 1st, 1863.

THOMAS H. WATTS, Governor.

WALTER H. CRENSHAW, Speaker House Representatives.

ROBERT JEMISON, Jr., President of the Senate until Aug. 24, 1863.

THOMAS A. WALKER, President of the Senate.

MONTGOMERY, ALA.:

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1864.

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LAWS OF ALABAMA.

ACTS OF THE CALLED SESSION.

No. 1.]

AN ACT

To Reorganize the Militia of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That each county in the State shall constitute a separate military district, and it shall be the duty of the Governor; as soon as practicable after the passage of this act, to appoint a special Aid-de-Camp in each district who shall be charged with the duties hereinafter set forth.

County Aids.

SEC. 2. *Be it further enacted,* That within four days after being notified of his appointment, it shall be the duty of each special aid to commence the enumeration of all free white males resident of his county, who are or shall be of the age of sixteen years and not over sixty years of age, except those who shall actually be in the army or navy of the Confederate States. The enumeration shall be by beats, and shall show the age and occupation of each person enumerated, the number of the beat in which he may reside, and if any exemption is claimed, the ground of it. For the purpose of facilitating the enumeration, the special aid shall be authorized to employ three or more assistants, who shall receive for their services compensation at the rate of fifty cents for each person enumerated by them. For a failure faithfully to discharge their duties without a sufficient excuse, to be judged of by the Governor, the assistant enumer-

Enumeration.

Aids to appoint assistants.

Penalty for failure.

ating officer shall forfeit all compensation, and shall in addition be guilty of a misdemeanor, upon conviction of which, they shall be fined not less than one hundred dollars, and imprisoned in the county jail, not less than one nor longer than nine months, at the discretion of the jury trying the same.

SEC. 3. *Be it further enacted*, That it shall be the duty of the special aid within five days after the enumeration has been completed in his county, to divide the entire list of persons so enumerated into two classes.

Classes.

Class One.

Class number one shall be composed, 1st, of all persons under the age of seventeen years: 2d, all persons over the age of forty-five years: 3d, all officers belonging to the executive, legislative or judicial departments of the Confederate States of America and of the State of Alabama: and 4th, all persons who shall be certified by a board of surgeons, as hereinafter provided, to be unfit for service in the second class hereinafter mentioned, but

Class Two.

fit for service in said first class. Class number two shall consist of all enumerated persons except those enumerated in class number one, and of such persons in class number one as may choose to enumerate themselves in class number two, which they are authorized to do. In all cases of doubt as to the age of parties who may be enumerated, the question shall be decided by the special aid of the county, upon the affidavit of the person whose age may be in question, and upon such other evidence as

Lists to be made.

may be adduced. It shall be the duty of the special aid to file one copy of these lists in the office of the Probate Judge of his county, and to forward duplicate copies to the office of the Adjutant General of the militia. The

Beats to be consolidated.

special aid shall also be empowered when there are but a few persons enumerated in a particular beat, to incorporate and consolidate two or more adjacent beats into one, and to define the boundaries of beats when they are not sufficiently defined or understood, and *provided*, that the special aid for the county shall be empowered for the purposes of this act, to define said beat lines, and may combine the beats when, in his judgment the beats so combined shall be too small to admit of organization:

Exemptions.

Provided further, the Governor may exempt any portion of the State from the operation of this act, as to the first class, whenever he thinks proper, and for any length of time he deems fit: *And provided further*, That the persons composing the first class named in this act residing in the first, second and third congressional districts of

the State, be and the same are hereby exempted from the operations of this act: *And provided further*, That nothing contained in the preceding proviso shall prevent the enumeration of the persons in the first class.

SEC. 4. *Be it further enacted*, That the special aid in each county shall, as soon as he has completed the enumeration and classification hereinbefore provided for, proceed to organize the two classes of persons so enumerated, in the manner following, to-wit: He shall issue writs of election to the Sheriff, requiring all persons embraced in class number two to hold an election on a day specified by him, not more than ten days from the issue of such writs, for a Commandant of the county corps of the State militia, and also, at the same time and place, an election for the Commandants of the Beat squads of the State Militia. He shall, at the same time, issue writs of election requiring all persons embraced in class number one to hold an election on a day specified by him (which shall be a different day from that on which the election is held by class number two, and not more than ten days from the issue of such writs), for a County Commandant of Reserves, and also, at the same time and place, an election for Beat Commandants of Reserves. The election shall be held in the same manner, and under the same regulations as govern the election of Representatives in the lower House of the State Legislature; *Provided*, That no one shall vote at said elections without the beat in which he may reside, and no person embraced in one class shall be allowed to vote at the election for Commandants of the other; *And provided further*, That in all cases of a tie, the casting vote shall be given by the Special Aid for the county. The returns of all elections hereinbefore ordered, shall be made to the Special Aid for the county, who shall ascertain and report without delay, to the Governor the names of the officers so elected, and it shall be the duty of the Governor to commission the officers so reported as follows: Where the number of persons enumerated in either class shall be six hundred or upwards, the commandant shall be commissioned as Colonel; where the number shall be four hundred and less than six hundred, the commandant shall be commissioned as Lieutenant Colonel; where the number shall be two hundred and less than four hundred, the commandant shall be commissioned as Major; where the number is eighty and

Organization.

Elections.

Casting vote.

Returns.

Rank of Officers.

less than two hundred, the commandant shall be commissioned as Captain; where the number is forty and less than eighty, the commandant shall be commissioned as First Lieutenant; where the number is less than forty, the commandant shall be commissioned as Second Lieutenant. Commandants elected by class number one shall be commissioned as officers of County Reserves, and commandants elected by class number two shall be commissioned as officers in the State Militia; and it shall be the duty of the Special Aid in each county, in returning to the Governor the names of the officers elected, to designate the class to which they belong, and also the number of enumerated persons of that class embraced in the command of each officer. The officers elected, when commissioned, shall be vested with all the authority appertaining to similar rank in the present militia system of the State. Commandants shall be authorized to appoint the non-commissioned officers usually appertaining to similar commands, that is to say, in commands of captains, there shall be four sergeants and four corporals: in commands of first lieutenants, two sergeants and two corporals: in commands of second lieutenants, one sergeant and one corporal.

Non-commissioned officers appointed.

Suspension of military code.

SEC. 5. *Be it further enacted*, That whenever the Governor shall have been advised that the organizations hereinbefore provided for have been completed in any county, and the officers therein elected have been commissioned, it shall be his duty, within ten days thereafter, to declare the militia organization theretofore existing in said county under the Military Code of Alabama suspended, and the officers under said organizations relieved from their commands during the continuance of the present war with the United States, and the officers in said organizations shall be subject to all the military duties imposed by this act upon persons of the same age with themselves.

Term, compensation and penalties of commandants.

SEC. 6. *Be it further enacted*, That the duties of the special aid in each county shall cease when he has returned to the Governor the names of the officers elected as hereinbefore provided for, and he shall be entitled to compensation at the rate of five dollars per day for the time he was thus employed. For a failure to discharge the duties herein imposed upon him with promptness and fidelity, without a good excuse to be judged of by the Governor, the special aid shall forfeit all compensa-

tion, and in addition shall be guilty of a misdemeanor, upon conviction of which he shall be punished by fine of not less than one hundred dollars, and imprisonment in the county jail of not less than one month nor more than nine months, at the discretion of the jury trying the same.

SEC. 7. *Be it further enacted*, That whenever a vacancy shall occur among the beat commandants either of State militia or county reserves, or when the commandant shall fail or refuse to serve, it shall be the duty of the county commandant of the class in which the vacancy occurs, within five days after ascertaining such vacancy, to issue writs of election filling such vacancy, giving the same notice thereof as in the first election. And when a vacancy shall occur in the office of county commandant of either class, or when the commandant shall fail or refuse to serve, it shall be the duty of the Probate Judge of the county to issue writs of election as the special aid was required to do in the first election, and in all cases the officers ordering the election shall give the casting vote in case of a tie.

Vacancies, how filled.

SEC. 8. *Be it further enacted*, That it shall be the duty of the commandant of each class in each beat to keep a roll of all persons embraced in their respective classes, and as persons may arrive at or pass beyond the ages embraced in their classes, to give notice thereof to the county commandant, and also to notify the county commandant when any person shall move into or out of their respective beats, so that the county commandant shall continue a complete enumeration of all persons of both classes in their respective counties. And it shall be the duty of the county commandants of the State militia, once in three months, to report to the Adjutant General of militia all changes which may have occurred in the State militia of their respective counties since the last report.

Beat Rolls.

Reports of county commandants.

SEC. 9. *Be it further enacted*, That whenever, in the opinion of the Governor it shall be necessary, either to repel invasion or suppress insurrection, or execute the laws, to call the State militia or any part thereof into active military service, he shall be authorized and empowered to do so, and whenever a requisition for either of these purposes shall be made upon him by the President of the Confederate States, the Governor shall apportion the number of militia required, among the different counties, in proportion to the enumerated militia

Governor may call out militia.

therein, and make a requisition therefor upon the several county commandants of the State militia. And whenever the Governor shall make a requisition, he shall be and is hereby authorized to make all necessary regulations as to the mode of calling out the militia and organizing them into companies, battalions, regiments, brigades and divisions; *Provided, however,* That in all company, battalion and regimental organizations, the commissioned officers shall be elected by the men composing such organizations, and in all brigade and division organizations, the commanders shall be appointed by the Governor:

Officers, how
elected and ap-
pointed.

Pay when in
service.

Penalties for
failure.

County Reserves,
how used.

SEC. 10. *Be it further enacted,* That whenever the militia shall be called into actual service as hereinbefore provided for, they shall receive the pay and allowances, and shall be subject to the regulations for the government of the army of the Confederate States of America; and any militiaman now being so ordered into service, who shall fail or refuse after due notice, to enter said service, or being therein, shall leave the same without permission, shall be liable to be tried and punished as a deserter, and subject to all the pains and penalties imposed upon deserters in the articles of war for the government of the army of the Confederate States.

SEC. 11. *Be it further enacted,* That the county reserves embraced in class number one, under the enumeration hereinbefore provided for, shall be subject to the order of the Governor to be employed as a military force for repelling invasion, suppressing insurrections and executing the laws, at any point within the county to which they belong; or in case of any sudden incursion of the enemy, in which the county commandant of reserves has not time to communicate with the Governor, or to await his orders, it shall be the duty of such county commandant, and without delay, to call out the whole or such portion of his command as may be necessary, and while so actually in service, the reserves shall be governed by the regulations which govern the army of the Confederate States, but they shall not be retained in service any longer than the immediate necessities of the case may require.

SEC. 12. *Be it further enacted,* That the cadets of the University of the State shall be organized into a military corps, and made subject to the orders of the Governor, for any military service within the State.

SEC. 13. *Be it further enacted,* That there shall be a

University Ca-
dets.

board of not less than two nor more than three surgeons for each county, to be appointed by the county commandant of militia, a part of whose duty shall be to examine all persons who claim to be unable to bear arms, and who shall be sworn faithfully, impartially, and without favor, to discharge their duties. Each member of the board shall be entitled to compensation at the rate of five dollars per day during the sitting of the board; and for the purpose of classification, as provided by the third section of this act, the county aid shall appoint said board of surgeons, who shall continue in office until another is appointed by the county commandant.

Medical Board,
duties, oath and
pay.

SEC. 14. *Be it further enacted*, That no person shall be excused from service in the second class on the ground that he is unable to bear arms, unless he obtain a certificate of the board of surgeons to that effect, and the certificate shall show whether such person is capable of service in the first class or not, and if he be, he shall enumerate himself in the proper beat of the first class.

Certificate of
board determines
service.

SEC. 15. *Be it further enacted*, That in case of a failure to hold an election, or in case an officer elected shall fail or refuse to serve, the special aid of the proper county shall make the appointment, and report the name and rank of the officer appointed to the Governor, who shall commission him as if duly elected.

Appointments
on failure to
elect, &c.

SEC. 16. *Be it further enacted*, That any person made subject to service by this act, may volunteer in the military or naval service of the Confederate States, or in any company authorized by the act of the Congress of the Confederate States, approved August 21, 1861, entitled "an act to provide for local defense and special service," but shall again be subject to State service when his term of service as a volunteer shall expire.

Militia may vol-
unteer in Confed-
erate service.

SEC. 17. *Be it further enacted*, That the Governor is authorized to receive volunteer companies for such term and under such organization as he may deem expedient, which companies shall be subject to his orders.

Volunteers.

SEC. 18. *Be it further enacted*, That the Governor may, in his discretion, organize such volunteer companies into battalions and regiments, in conformity with the provisions of an act of the General Assembly of this State, entitled "an act to raise an additional volunteer force for the defense of the State, and to resist invasion," approved 22d November, 1861.

Volunteer organi-
zations.

SEC. 19. *Be it further enacted*, That the members of such volunteer companies, battalions and regiments, sub-

When liable to
militia duty.

ject to militia duty, shall be subject to the enumeration provided for by this act, precisely as if no such companies, battalions or regiments had been formed; and in case a draft is ordered from the militia, such members shall be subject thereto in the same manner and to the same extent, as if the volunteer company, battalion or regiment to which they belong had not been organized, unless, if privates or company officers, the company to which they belong, or if field or staff officers, the battalion or regiment to which they belong, shall volunteer for the term and service for which such draft is ordered.

Confederate and
railroad employ-
ees, how exempt-
ed.

SEC. 20. *Be it further enacted*, That any person subject to service, in the second class, who is in the employ of the government of the Confederate States, or has a contract with said government, or is employed on any railroad, may be exempted from service under this act, upon the request of the Secretary of War, naming the employee or contractor to be exempted, communicated to the proper commandant, through the Governor or other military officer of the county, for such length of time as may be requested; and when that time expires he shall take his place in the class to which he properly belongs; *Provided*, That nothing herein shall be so construed as to exempt common laborers or other persons in the employment of railroads from military duty, unless the President of such railroad shall make affidavit that such persons are indispensable to said road, and their places cannot be filled by other persons not liable to military duty.

Arms, &c., to be
reported.

SEC. 21. *Be it further enacted*, That in making the enumeration, the enumerating officer shall note which of the persons enumerated has an efficient gun, and which has not, and which of them will furnish his own horse, saddle and bridle, and serve as mounted men, and his report shall show these facts.

Arms to be fur-
nished; failure to
return, how pun-
ished

SEC. 22. *Be it further enacted*, That the Governor shall be authorized to furnish the commandants of counties with efficient guns for all persons reported as having none, and the commandant shall receipt for them, and shall distribute them accordingly; and any person receiving a gun under this section, who shall fail to return the same on demand of the county commandant, or other person authorized by the Governor to demand it, or shall neglect to return such gun to the county or beat commandant, if he removes out of the State or county, shall, without a sufficient excuse, to be determined by the officer making the demand, be guilty of a misdemeanor, and, on convic-

tion thereof, shall be fined and imprisoned at the discretion of the jury trying the case; which last mentioned commandant shall be responsible for the guns, and hold them till properly distributed, according to the directions of the county commandant.

SEC. 23. *Be it further enacted*, That the Governor shall be authorized, as soon as the organization of the two classes provided for by this act shall have been completed by the commissioning of officers, to furnish the commandants of counties with sufficient ammunition for the use of said two classes; and the commandants shall distribute it among the commandants of beat squads, as necessity may require, in proper proportion, for the use of the beat squads. Ammunition.

SEC. 24. *Be it further enacted*, That in order to secure a speedy organization under this act, it shall be the duty of the Senator and Representatives of each county in this State during the present session of this General Assembly, to recommend, in writing, the names of three persons in their respective counties, who are suitable to act as special aids in said counties, one of whom the Governor shall appoint as special aid for the county; and if the said Senator and Representatives shall fail or refuse to recommend, or if the persons recommended by them shall refuse to serve, the Governor may appoint such persons as he may choose, being a resident of the proper county. Special Aids,
how appointed.

SEC. 25. *Be it further enacted*, That so much of the military code of the State of Alabama as is inconsistent with the provisions of this act, shall be and the same is hereby suspended so long as this act is in force, and this act shall become inoperative and void upon a ratification of a treaty of peace between the Confederate States and the United States. Suspension of
Code.

SEC. 26. *Be it further enacted*, That the sum of five hundred thousand dollars be, and the same is hereby appropriated and placed at the disposal of the Governor, or so much thereof as may be necessary for carrying into effect the provisions of this act. Appropriation.

Approved August 29, 1863.

No. 2.] AN ACT

Declaring who shall be exempt from Militia duty in this State:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following persons and no others, except persons over the age of forty-five years, shall be exempt from service in the militia of this State, to-wit:

Exemptions:
persons over 45.

County Treasurers;
Physicians.

Ministers.

Teachers.

Blacksmith in
each beat.

City Police, Fire
Companies.

Penitentiary off-
icers, General Ad-
ministrators.

Confed. Agents.

Millers.

Railroad em-
ployees.

County treasurers, all physicians who have been in regular practice seven years immediately preceding the approval of this act, provided that any time that such physician shall have been in the Confederate States or State military service shall be considered as embraced in the time of said practice, if such physician was a practicing physician when he entered such service; all ministers of the gospel who are now engaged in the regular discharge of their duties as such; all persons who are actually engaged in teaching school and have followed as a profession the calling of teacher for three years next preceding the passage of this act, provided that any time that any such person shall be in the Confederate or State military service shall be considered as embraced in the time if such person was a teacher when he entered such service; also, one blacksmith in each beat, unless there is a negro smith working for the public in said beat, or some man not liable to conscription, provided that said blacksmith has been engaged as such for two years; the city police and members of chartered fire companies of the cities of Mobile, Montgomery and Selma, not exceeding the present number, provided the foreman of said companies shall make affidavit that the places of the persons so exempt cannot be supplied with negroes, and the names of the persons so exempt shall be published three times in the newspaper having the largest circulation in the place where said fire company is located; the officers of the Penitentiary of Alabama; the general administrators of counties who have actually been in office and service five years immediately preceding the approval of this act; necessary financial or produce agents of the Confederate States; so long as they are required by the Confederate government to continue the business of such agency; necessary millers; the Governor shall determine who are necessary millers, if appeal is taken to him; the necessary superintendents, conductors, master machinists and engine drivers of all

railroads actually running ; the necessary pilots, captains, mates, clerks and engineers of all steam boats plying the waters of this State, while actually serving on such boats; the cashier, discount clerk and deposit clerk of each bank in this State in actual operation ; all overseers who are, or shall be exempted or detailed under acts of the Confederate Congress, so long as they may be exempted or detailed as such ; one owner and one machinist of all brass and iron foundries ; and such other persons as the Governor shall specially exempt; and no exemption in any case can be made except for State or public purposes ; *Provided, however,* that all persons thus exempted shall be enumerated and subject to service in the first class or county reserves.

SEC. 2: *Be it further enacted,* That any person who makes as much as ten bushels of salt per day on his individual account, or on account of a company or partnership in which he is concerned, who shall in good faith sell whenever he can do so for Confederate or State treasury notes, the salt he makes or causes to be made, in quantities called for by purchasers at a price not exceeding fifteen dollars per bushel, shall be exempt from service in either class ; and any person engaged or concerned in any way or to any extent in making salt, who or any of whose associates in making salt shall sell or exchange, or permit to be sold or exchanged, for anything whatever, salt, exceeding fifteen dollars per bushel, shall be subject to enumeration and service in the second class, whether he be under or over forty-five years of age, or a citizen of this State or not : *Provided,* but one person making salt for a company shall be exempt under this act.

Approved August 29, 1863.

No. 3.] AN ACT

To aid the Confederate Government in arresting Deserters and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of all persons in each county of this State to give any information in his or her possession which may lead to the arrest and return to

duty of any person in the military service of the Confederate States, to the county commandant, or to the nearest commander of a military post, or force, without delay.

Commandants,
&c., to arrest de-
serters.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county commandants, and of civil and military officers in their county, to cause the arrest of all persons who are in the military service of the Confederate States, who are improperly absent from their commands; and for these purposes, and to prevent the escape of any such person, all needful force, and the needful military power of the county, may lawfully be employed.

Citizens may
arrest.

SEC. 3. *Be it further enacted*, That any citizen or number of citizens may arrest any person not belonging to the county, who is a soldier or enrolled conscript, and who has not proper evidence of his authority to be absent from his proper post or command; and to confine such persons securely, or deliver him to the commandant of the county, or the nearest commander of a military post or forces.

Officers arresting
to report.

SEC. 4. *Be it further enacted*, That when a person is arrested and confined, and not delivered to the proper Confederate military authority, the county commandant, or other officer or person making the arrest, shall deliver the person so arrested, and give such information concerning the person arrested as he has to the commander of the military department in which the arrest was made, or to the commander of a military post, or force, if there be one nearer the place of confinement than the department commander, without delay.

Commandants to
keep roll and re-
port monthly.

SEC. 5. *Be it further enacted*, That the county commandant shall keep a roll of all persons arrested in his county by him, or reported to him, showing the date of the arrest, the organization to which the person arrested belongs, the grounds of the arrest, the disposition of the person arrested and the expense attending the arrest, and the return or discharge of such person; and shall furnish the adjutant general of militia with a copy thereof as a part of his monthly report.

Deserters to be
returned to com-
mand, &c.

SEC. 6. *Be it further enacted*, That all persons arrested by the county commandant, or by any other person, and delivered over to him, who are in the military service of the Confederate States, and are improperly absent from their post, camp, or command, shall be returned by the county commandant to their proper place, or disposed of as may be directed by the department commander or the commander of the nearest military post or force at the

expense of the State; and all necessary expenses of the arrest and detention shall be paid by the State.

SEC. 7. *Be it further enacted*, That if any person in this State shall knowingly and wilfully feed, harbor, secrete, or aid to escape, any deserter or straggler from the army or navy of the Confederate States, or from any camp of instruction, or shall knowingly and wilfully feed, harbor, secrete, or aid to escape, any spy or other enemy of the Confederate States, he shall be guilty of felony, and on conviction thereof shall suffer such punishment as the jury trying the case shall by their verdict impose. Penalty for harboring.

SEC. 8. *Be it further enacted*, That it shall be the duty of the county commandant, and of all militia officers of his county, to aid the enrolling officers of the Confederate States in arresting persons liable to conscription, and in enforcing the conscription laws whenever required, in writing, by any such enrolling officer; and such military force may be employed for these purposes as shall be necessary. Militia officers to aid enrolling officers.

SEC. 9. *Be it further enacted*, That any person arrested under the provisions of this act, may be confined in the county jail, or in any other place of security, until otherwise disposed of. Jails to be used.

SEC. 10. *Be it further enacted*, That if any person or officer who is required to perform a duty by this act, shall wilfully and knowingly refuse or fail to perform the same, he shall be guilty of a misdemeanor, and subject to indictment therefor, and on conviction thereof shall be fined or imprisoned at the discretion of the jury trying the case. Penalties for failure.

SEC. 11. *Be it further enacted*, That the Governor shall be authorized to order out the militia of any county or counties in this State for the purpose of arresting deserting or straggling soldiers, or spies or traitors, in any other county of this State. Militia ordered from one county to another.

SEC. 12. *Be it further enacted*, That for the purpose of paying the expenses that may be incurred under this act, the sum of one hundred thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated. Appropriation.

Approved August 29, 1863.

No. 4.]

AN ACT

In relation to working on Public Roads.

Road working
age 16 to 50.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all white male persons between the ages of sixteen and fifty years shall be liable to work on public roads.

Overseers 21 to
60.

SEC. 2. *Be it further enacted,* That all male white persons between the ages of twenty-one and sixty years of age, shall be liable to appointment as overseers of public roads.

Negroes 14 to 60.

SEC. 3. *Be it further enacted,* That all male slaves and free negroes between the ages of fourteen and sixty years shall be liable to work on public roads.

Laws in force.

SEC. 4. *Be it further enacted,* That the same laws now governing roads, shall in all other cases be applied to this act.

Approved August 29, 1863.

No. 5.]

AN ACT

To contribute to the support of the families of Soldiers in the Military service from the State of Alabama.

Appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one million of dollars be and the same is hereby appropriated for the support of the indigent families of soldiers who are now in or may hereafter enter the military service of the Confederate States from the State of Alabama, or who may be in the military service of this State, to be distributed in the months of October, November and December next, one-third in each month, under the provisions of an act entitled "An act to provide for the support of the indigent families of soldiers in the army of the Confederate States from the State of Alabama," approved 12th November, 1862: *Provided,* That no family of any substitute that has been, is, or shall be in the military service, shall be entitled to any of the benefits of this act.

When distributed

Proviso.

SEC. 2. *Be it further enacted,* That if any judge of probate, commissioner or agent employed in carrying out the

provisions of this act, shall apply any of the funds or articles which may come into his hands to his own use, he shall be deemed guilty of embezzlement.

SEC. 3. *Be it further enacted*, That if the unappropriated funds in the treasury should be insufficient to meet this appropriation, the Governor is hereby authorized to use treasury notes of this State, which have been or shall hereafter be issued, redeemable in treasury notes of the Confederate States. Governor authorized to issue Treasury Notes.

SEC. 4. *Be it further enacted*, That if any agent or officer who may be entrusted with the distribution of the funds appropriated for the benefit of the indigent families of soldiers, shall wilfully fail to make an equal and impartial application of the same, he shall be subject to indictment therefor, and on conviction, shall be fined not less than one hundred dollars, nor more than five hundred, and shall be imprisoned in the county jail not less than six months. Penalty for failure.

SEC. 5. *Be it further enacted*, That the indigent families of deceased soldiers, and those discharged soldiers who are incapacitated for physical labor on account of wounds received and permanent diseases contracted in the service, be and are hereby made beneficiaries of this act. Families of deceased soldiers beneficiaries.

Approved August 29, 1863.

No. 6.]

AN ACT

To provide Salt for the indigent families of Soldiers in the State of Alabama and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the salt manufactured in this State, for and on account of the State, and all that is or shall be delivered from leases of the saline lands and works of the State, and all otherwise acquired by the State, or so much thereof as shall be necessary to supply the wants of indigent families of soldiers from this State, who are or shall be in the military service of the Confederate States, shall be distributed among all such families in proportion to their respective wants, at such price as shall be sufficient to cover the cost of production and transportation and any incidental expenses: *Provided, however*, That no family shall be entitled to a greater Families of soldiers entitled to State Salt, and the price
Twenty-five lbs. to each member of family.

No Salt to deserters or substitutes.

quantity than twenty-five pounds for each member of the family: *And provided, further.* That neither the families of deserters, nor of persons who are or shall be substitutes in the army of the Confederate States, shall be entitled to the benefits of any of the provisions of this act.

How surplus Salt shall be disposed of.

SEC. 2. *Be it further enacted,* That if any salt derived by the State from the sources mentioned in the first section of this act, shall remain after the distribution provided for in said section, it shall be distributed among the citizens of the State in the manner and upon the terms now provided by law.

Duty and power of the Governor under this act.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Governor to cause all the salt derived from the sources specified in the first section of this act, to be distributed as provided by this act: and full power is hereby conferred upon him to do all things necessary to effect the distribution provided for: *Provided, however,* That no discrimination shall be made under this act, or under any other act, in relation to the indigent families of soldiers from this State, against the poor families of soldiers who would be destitute if they did not work, or who avoid destitution as far as they can by their industry; but every such family shall share in the benefits of this act, and all other acts of force conferring benefits on indigent families of soldiers from this State.

Approved August 29, 1863.

No. 7.]

AN ACT

To amend an Act entitled "An Act to amend the Revenue Laws of this State," approved December 9th, 1862.

How amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "an act to amend the revenue laws of this State," approved December 9th, 1862, be and the same is hereby amended in the following respects, to-wit: 1st, in subdivision number 19, of section 2, of said act, strike out the word "ten" and insert in lieu thereof the word "two"; 2d, add to the end of section 7, of said act, the following proviso: "*Provided further,* That no tax laid on the various kinds of property em-

Provided.

braced by this section by any court of county commissioners shall be collected."

Approved August 29, 1863.

No. 8.]

AN ACT

To prevent the Distillation of Potatoes and Peas.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of an act entitled "An Act to prohibit the distillation of grain in the State of Alabama, except under the direction or authority of the Governor," approved December 8th, 1862, shall be and are hereby made as fully and completely applicable to potatoes and peas as they are to grain.

Approved August 29, 1863.

No. 9.]

AN ACT

To repeal that portion of the Revenue Law which requires the tax collectors of the several counties of this State to furnish the tax payers a schedule of the property upon which tax is paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the revenue law of the 18th section as requires the tax collectors of this State to furnish the several tax payers schedules showing the items of taxation upon which tax is paid, be and the same is hereby repealed.

Relieving tax collectors of a certain duty.

Approved August 27, 1863.

No. 10.]

AN ACT

To prevent the Distillation of Molasses and Sugar.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* Penalty.

convened, That it shall not be lawful for any person during the existing war to distil or convert into intoxicating liquor any molasses or sugar; and any one violating this act, shall be subject to indictment, and upon conviction shall be fined not less than one thousand dollars, and imprisoned not less than six months, one-half of said fine to be paid to the informer and the other half to the county in which the conviction is had.

Fee of Solicitor.

SEC. 2. *Be it further enacted*, That, on each conviction under this act the solicitor shall be entitled to a fee of fifty dollars, to be taxed in the bill of costs and paid by the defendant.

Approved August 27, 1863.

No. 11.]

AN ACT

To require all persons to pay taxes in the county where the property is located in certain cases.

Where taxes must be paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all persons who have been declared by acts of the Legislature, liners, and made citizens of counties other than the county in which they live, or their houses are situated, shall pay their State and county taxes on slaves and other property in the county in which such property may be held and located at the commencement of the tax year.

Repeal.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved August 27, 1863.

No. 12.]

AN ACT

To authorize Circuit Judges to hold special terms of the Circuit Court in certain cases.

Judge may hold extra term Circuit Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 134 of the Code of Alabama, be and the same is hereby amended so as to authorize the

judge of a circuit in which there may happen a failure to hold a term, to make an order in vacation for a special term to be held for the disposal of the business of the court, and to direct the clerk of the court to publish notice of the time when the court will be held, in a newspaper in the county, if there be one, or in an adjacent county, if there be none in the county where the term is to be held.

Approved August 27, 1863.

No. 13.]

AN ACT

To amend section 1934 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1934 of the Code of Alabama, be and the same is hereby amended as follows, to-wit: add to the end of said section, "No suit which has been or may be brought by any such executor or administrator in any court in this State, shall be abated, barred or affected by any appointment of an administrator in this State made after the commencement of such suit."

Approved August 27, 1863.

No. 14.]

AN ACT

Supplementary to an act to authorize the Confederate States to purchase and hold in Alabama a site for Rolling Mills, Foundry, &c., for the manufacture of ordnance, &c., approved November 17, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the government of the Confederate States or the proper department thereof, for the use of the Confederate States or the Congress thereof, shall have permission to exchange any land or part thereof, in the city of Selma, bought from Philip J. Weaver and from other parties, for other lands contiguous or near thereto: *Provided*, that the lands so obtained, together with all other lands purchased and owned by the Confederate States under the act to which this is a supplement, shall not

exceed the quantity limited by said act "to authorize the Confederate States to purchase and hold in the State of Alabama a site for rolling mills, foundry, &c., for the manufacture of ordnance, &c., approved November 17, 1862."

How lands may
be condemned for
the use of the
government.

SEC. 2. *Be it further enacted*, That whenever the government of the Confederate States or the proper department or representative thereof and the owner of lands proposed to be bought to increase the site already obtained, cannot agree upon the price to be paid for such land, or whenever the owner shall refuse to sell, or shall be unsound mind, or an infant, or whenever the title to the same shall be in doubt or litigation, it shall be lawful for said government or the proper department or representative thereof to condemn said lands for the use of the Confederate States forever, in the manner following: The officer in charge of the foundry, &c., shall make application in writing to the sheriff of Dallas county to have said lands condemned, describing them with particularity, and stating the names of the owners or party in possession; and the sheriff shall thereupon summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the value of the property, after having been sworn by the sheriff to do so fairly and to the best of their judgment, and shall return their award or assessment by the hands of the sheriff to the clerk of the circuit court of Dallas county, who shall make a record of the same and of all the proceedings, to be furnished him by the sheriff; and this assessment shall be final: *Provided, however*, that ten days' notice shall have been given in writing to the owner of the land, or to the guardian of the owner, if he be an infant or of unsound mind of the time and place appointed for the jury to make assessment as aforesaid; or in case the property be in doubt or litigation, twenty days' notice, by some newspaper published in the city of Selma, to all persons interested to appear before said jury at the time appointed and at a place on or convenient to said land and designated to attend the assessment.

Proceedings in
cases where the
owner is of un-
sound mind, or
an infant, &c.

SEC. 3. *Be it further enacted*, That upon payment to the owner, or his guardian in case he be of unsound mind or an infant, of the amount assessed as aforesaid, or upon tender thereof, the title to said land shall thereupon vest in the Confederate States; and in case the owner be a married woman, living separate from her husband, the payment or tender to her shall be sufficient;

and in case the title to the land be in litigation, or the officer in charge as aforesaid have just reason to believe the title to the same to be in doubt, then payment to the judge of probate of the county shall be sufficient to vest the title as aforesaid, and said judge shall hold the same for the benefit of the party entitled thereto, and under the protection of his official bond.

SEC. 4. *Be it further enacted*, That the costs in the foregoing proceedings shall be the same as are now prescribed by law for similar proceedings, to be paid by the Confederate States, and that upon compliance with the foregoing provisions, the Confederate States shall have power by the officer commanding the foundry, to enter upon and take possession of the land thus condemned.

Chwts.

Approved August 27, 1863.

No. 15.] AN ACT

To fix the pay of members and officers of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That after the present session of the General Assembly, the per diem and mileage of the members and officers of the General Assembly shall be increased fifty per cent. on the amounts now allowed by law. This act to cease to be in operation after the war now existing is closed.

Increase of per diem and mileage.

Approved August 29, 1863.

No. 16.] AN ACT

Appropriating Twenty-five Thousand Dollars to pay the members and officers of the present session of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty-five thousand dollars be appropriated out of any money in the treasury not otherwise appropriated, to pay the members and officers of the present general assembly.

Approved August 26, 1863.

No. 17.]

AN ACT

To increase the fees of Jailors for victualing prisoners.

Price increased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the jailors' fees, as to matters hereinafter specified, shall be as follows, viz: for victualing each white prisoner, one dollar and twenty-five cents per day; for each slave or free person of color, one dollar per day, in lieu of the fees now allowed by law for similar services.

SEC. 2. *Be it further enacted,* That this act shall be continued in force no longer than the continuance of the present war.

Approved August 27, 1863.

No. 18.]

AN ACT.

To pay for the hire of servants for the General Assembly during the present session.

Appropriates
eighty-two dol-
lars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be and he is hereby allowed the sum of eighty-two dollars to pay for servant hire during the present session of the General Assembly, and that the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer, in favor of the Secretary of State, for so much thereof as is necessary for the purpose stated, to be paid out of any money in the treasury not otherwise appropriated.

Approved August 29th, 1863.

No. 19.]

AN ACT

For the relief of securities who have paid money for their principals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That in all cases where a judgment has been or may be hereafter obtained by a creditor on a demand to which there is one or more securities, it shall be lawful for the security or securities to pay the said demand, and it shall be the duty of the plaintiff in the judgment, his agent or attorney of record, when the payment is made to assign such judgment to the security or securities paying the money, who shall be allowed to collect the same with interest and cost in the name of the plaintiff for their use, and to assert in law or equity any lien or right against the principal debtor which the plaintiff could assert if the debt had not been paid: *Provided*, however, that in every such case the assignee or transferee of the judgment shall be and is hereby bound to accept or receive payment of it in the same kind of currency which he may have paid for it.

Judgment against principal to be assigned to securities.

To receive like kind of currency.

Approved August 29, 1863.

AN ACT

To provide for prosecuting and defending suits for persons of unsound mind.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That hereafter every idiot, lunatic, or other person of unsound mind, may bring suit or other proceeding at law or in equity, by a next friend, when there is no guardian in this State of such idiot, lunatic or person of unsound mind; and if, upon the termination of such suit or proceeding on estate or property of any kind be recovered for the idiot, lunatic or person of unsound mind, the same may be delivered or paid over to any guardian who may have been in the meantime appointed, or who may afterwards be appointed.

May bring suit by next friend.

Property to be turned over to guardian.

SEC. 2. *Be it further enacted*, That if, pending the suit or proceeding such guardian be appointed, the same may continue by substituting his name for that of the next friend; and if the mind of such person of unsound mind be restored, such suit or proceeding may progress in his own name.

Guardian substituted.

SEC. 3. *Be it further enacted*, That when a party to a suit or other proceeding in chancery, is alleged to be of unsound mind, and to have no legal guardian, such party may be brought into court by service of process upon

How process may be served—guardian ad litem.

him or her personally; and a guardian *ad litem* shall be appointed for such person, as in case of infants over fourteen years of age, who fail to select or nominate a guardian *ad litem*.

Approved August 29, 1863.

No. 21.] AN ACT

To authorize Probate Judges to impress provisions in certain cases.

When and how
impressions
may be made.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any commissioners' court in this State shall determine to purchase supplies for the destitute families of soldiers instead of distributing money, the probate judge shall be authorized to purchase the same; but in the event that he cannot do so, he is hereby authorized to impress any provisions that may be necessary for the purpose above specified and pay for the same just compensation, to be ascertained in the mode and under the rules mentioned and laid down in the act entitled "An act to provide for the public safety," approved October 31st, 1862, and the act entitled "An act to amend an act to provide for the public safety," approved November 17th, 1862, for ascertaining compensation for property impressed under said acts, making the necessary changes in said acts so as to make them applicable to the cases contemplated by this act. The judge of probate in relation to arriving at compensation, may do what the Governor is authorized by said acts in relation to arriving at compensation; provided, the provisions absolutely necessary for the support of a person's family shall not be impressed under this act.

Powers conferred

Approved August 29, 1863.

No. 22.] AN ACT

To regulate the toll of Grist Mills in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened. That from and after the passage of this act, no owner or employee of any steam grist mill or other grist mill in this State, shall take or receive as toll, or otherwise, for grinding grain of any description more than one-eighth of the grain ground. Toll to be one-eighth.

SEC. 2. *Be it further enacted*, That if any person shall violate the provisions of the first section of this act, he or she shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum the jury trying the case may assess, besides being liable to the penalty prescribed by section 1111 of the Code of this State. Penalty.

SEC. 3. *Be it further enacted*. That all special and general acts of the General Assembly of this State, in conflict with the provisions of this act, be and the same are hereby repealed. Conflicting Acts repealed.

Approved August 29, 1863.

NO. 23.] AN ACT

To provide for the printing and distribution of the Acts of the present extra session of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* convened, That within five days after the adjournment of the present extraordinary session of the General Assembly, it shall be the duty of the Secretary of State to deliver to the State printers copies of all the acts passed at said session, to be printed, stitched and trimmed in pamphlet form, at the earliest practicable moment, and delivered at the office of the Secretary of State. Time of printing.
Sec.

SEC. 2. *Be it further enacted*, That on the delivery to him of the requisite number of copies of said acts, so printed, stitched and trimmed, it shall be the duty of the Secretary of State to transmit by mail, or some other expeditious and safe conveyance to the probate judges of the respective counties of the State, the number of copies to which each county is now entitled under the law regulating the printing and distribution of the acts and journals of regular sessions of the Legislature. How Acts are to
be distributed

SEC. 3. *Be it further enacted*, That the printing of the journals of the Senate and House of Representatives be dispensed with until the next regular session of the General Assembly, and that they be embodied in and printed Printing of Journals
suspended

with the journals of that session at the regular time of printing said journal.

Acts to be re-printed.

SEC. 4. *Be it further enacted* That for the purpose of preserving in a more durable form the acts of the present extra session, they shall be embodied in and printed with the acts of the next session of the Legislature.

Appropriation for postage, &c.

SEC. 5. *Be it further enacted*, That the sum of three hundred dollars, or so much thereof as is necessary, be and the same is hereby appropriated to carry into effect the provisions of the second section of this act, to be drawn by warrant of the Comptroller on the State Treasurer in favor of the Secretary of State, on the certificate of the latter officer that said sum or any part thereof, has been expended by him in carrying out the provisions of the second section of this act.

Pay to Secretary of State.

SEC. 6. *Be it further enacted*, that he Comptroller is hereby authorized to draw his warrant on the State Treasurer in favor of the Secretary of State, for the sum of one hundred and fifty dollars for reading the proof sheets and superintending the printing the acts of the present session, for placing marginal notes and preparing an index for the same, and attending to the distribution thereof.

Military laws to be printed separately.

SEC. 7. *Be it further enacted*, That fifteen hundred extra copies of the laws passed at the present session upon the subject of the military and militia, shall be printed at the same time and under the provisions of this act, eight hundred copies of which shall be delivered to the Adjutant General, for his use and distribution in executing the law, two hundred copies to be deposited in the office of the Secretary of State, and the balance shall be distributed by mail to the members of the General Assembly.

Approved August 29, 1863.

No. 24.]

AN ACT

To amend "an act to provide for the reorganization of the State Penitentiary.

Persons subject to conscription shall not be guards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the proviso contained in section 4, of an act entitled "an act to provide for the reorganization

of the State Penitentiary," approved Dec. 5, 1862, be and the same is, hereby amended so as to make it read as follows, to wit: "Provided, that none of the guard, except the sergeant thereof, shall be filled by persons subject to conscription under the acts of the Congress of the Confederate States,"

Approved August 29, 1863.

No. 25.]

AN ACT

For the benefit of the Widow and children of Philip McGuire, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Jeremiah Hogan, the administrator of

Philip McGuire, deceased, or any successor in the administration of the estate of said McGuire, be authorized to invest such an amount of Confederate Treasury notes, assets of the estate of said Philip McGuire, as he may deem for the benefit of the widow and children of said Philip McGuire in real estate, in the city or county of Montgomery: *Provided*, that before any such purchase shall be held valid the administrator shall report the same to the judge of probate of said county, and if said judge on an examination of the facts shall deem the same for the benefit of said widow and children, he shall confirm the purchase, and it shall then be held valid and legal; and the said judge shall enter on his minutes his proceedings therein, which shall be a record and proof of what was done in the premises.

Administrator may invest in real estate.

Administrator to report to the judge of probate.

SEC. 2. *Be it further enacted*, That the real estate thus purchased by such administrator shall be held by him in the same manner as personally held by the said Philip McGuire at the time of his death, and as part of his estate.

Held by administrator.

SEC. 3. *Be it further enacted*, That all the expenses and costs incurred in said purchase and proceedings shall be paid out of the assets of said estate.

Expenses.

Approved August 29, 1863.

No. 26.]

AN ACT

To repeal "an act to authorize the court of county commissioners of Fayette and Morgan counties to levy a tax on dogs."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "an act to authorize the court of county commissioners of Fayette and Morgan counties to levy a tax on dogs," approved Dec. 6th, 1862, be and the same is hereby repealed.

Approved August 27, 1863.

No. 27.]

AN ACT

To authorize M. McCorvey, Judge of Probate of Monroe county to act as such in the settlement of the estate of Henry O. Abney, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, M. McCorvey, judge of probate in and for Monroe county, be and he is hereby authorized and empowered to act as such probate judge in the settlement of the estate of Henry O. Abney, deceased, late of said county.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved August 27, 1863.

No. 28.]

AN ACT

To authorize the court of probate of Chambers county to grant letters of administration upon the estate of James M. Kennedy, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of probate of Chambers county have jurisdiction of the administration of the estate of

Estate of Abney.
Estate of Kennedy.

James M. Kennedy, late of Russell county, deceased, to grant letters of administration thereon, and to do all things necessary and proper to cause the estate of said decedent to be settled and distributed in said court according to the laws of this State, as fully and effectually as if the said deceased had been an inhabitant of the county of Chambers at the time of his death.

Approved August 27, 1863.

No. 29.]

AN ACT

To amend section 1784 of the code so far as relates to Bibb county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1748 of the code of Alabama, be so amended as to authorize the court of probate of Bibb county to grant orders of sale of all kinds of personal property of deceased persons' estates on a credit of three years. Sales on credit.

SEC. 2. *Be it further enacted,* That the preceding section of this act be so construed that said court shall not in any case grant an order of sale of any personal property to any executor or administrator of any deceased person's estate on a longer credit than one year, unless the executor or administrator shall petition said court for an order of sale of such property on a credit of more than one year, and not exceeding three years. Length of credit.

Approved August 27, 1863.

No. 30.]

AN ACT

To change the boundary line of the counties of Mobile and Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the boundary line between the counties of Mobile and Washington be so altered as to include the dwelling houses and out-houses of John Bates, Gilbert R. Hollinger, Teno Orso and Robert Dickens in the county of Mobile. Boundary changed.

Repeal.

SEC. 2. *Be it further enacted*, That all laws, and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved August 27, 1863.

No. 31.]

AN ACT

To increase the compensation for printing Supreme Court Reports.

\$2500 appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, instead of the sum now appropriated by law, the sum of twenty-five hundred dollars be and the same is hereby appropriated for the printing of the reports of the Supreme Court.

Approved August 29, 1863.

No. 32.]

AN ACT

In relation to prisoners sent to the Penitentiary of Alabama from other States.

Officers have full power.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the warden and inspectors and all other officers of the penitentiary of this State, shall have the same authority, powers and rights, as to the keeping, management and control of prisoners sent to said penitentiary, by order or authority of the Governor or other officer of any of our sister Confederate States, so long as they remain there, that said warden, inspectors and other officers of said penitentiary have as to prisoners sent to said penitentiary by the courts or authorities of this State.

Approved August 29, 1863.

No. 33.]

AN ACT

To authorize Executors, Administrators, Guardians and Trustees of the county of Russell, to make publication, in a newspaper of Columbus, Georgia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during such time as no newspaper is published in the county of Russell, all executors, administrators, guardians and trustees of the same are hereby authorized to have published in any newspaper of the city of Columbus, in the State of Georgia, all such notices and advertisements as by law they are required to have inserted in a newspaper.

May be published in
Columbus, Ga.

Approved August 29, 1863.

No. 34.]

AN ACT

To authorize Charles W. Oliver to marry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles W. Oliver, whose wife has obtained a divorce and married again, be and is hereby authorized to marry, as if he had never before been married.

Oliver may
marry.

Approved August 29, 1863.

No. 35.]

AN ACT

To authorize the Probate Court of Autauga county to grant letters on the estate of A. B. Penick, late of St. Clair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the probate court of Autauga county to grant letters of administration on the estate of A. B. Penick, late of St. Clair county.

May grant letters
administration.

Approved August 29, 1863.

No. 36.]

AN ACT

To compensate the commissioners of roads and revenue in the counties of Choctaw and Marion.

\$3 per day and
five cents mile-
age.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the approval of this act, the commissioners of roads and revenue of Choctaw county, and Marion county, shall be entitled to three dollars a day while actually engaged in the duties of the commissioners' court, and five cents per mile from each one's residence to the court house and returning home.

Approved August 29, 1863.

No. 37.]

AN ACT

To incorporate the Ashby and Cahaba River Railroad Company.

Commissioners
appointed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That C. C. Huckabee, of Greene county, A. K. Shepard, of Perry county, Thomas Gholson and Daniel Prentice, of Shelby county, J. N. Smith, Ezekiel Smith and William L. Saunders, of Bibb county, be and they are hereby appointed commissioners, any five of whom may act and do business necessary to be done under this act preparatory to the organization of the Ashby and Cahaba River Railroad Company, and they shall open books of subscription for the capital stock of said company at such time and places and with notice, not less than ten days, as they may think proper.

Capital one mil-
lion.

SEC. 2. *Be it further enacted,* That the capital stock of said railroad company may be one million of dollars, which may be increased at any time, and from time to time by resolution of the board of directions to such amount as the board may deem necessary and expedient for carrying into full effect the objects and purposes of said company.

Termini

SEC. 3. *Be it further enacted,* That said railroad shall extend from some point on the "Alabama and Tennessee River Railroad," near Ashby depot, by the most practicable route to some point on the Cahaba river, near the coal fields of Thomas Gholson and J. N. Smith & Co.

SEC. 4. *Be it further enacted,* That as soon as twenty-five thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of the "Ashby and Cahaba River Railroad Company," and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying, real, personal and mixed property, so far as shall be necessary for the purposes of this incorporation; and by said incorporated name, may sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity in this State or elsewhere, and to have and use a common seal and the same to alter or amend at pleasure; to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem proper, and generally to do all things necessary to carry into effect fully and completely the objects of this act.

SEC. 5. *Be it further enacted,* That as soon as ten thousand dollars shall have been subscribed the commissioner hereby appointed shall call a general meeting of the subscribers at such time and place as they may appoint; and at such meeting the said subscribers, or a majority of them in value, shall elect eleven directors by ballot to manage the affairs of said company, and the commissioners as aforesaid, or any three or more of them, shall be judges of said first election of directors, and the directors thus chosen shall elect among themselves a president of said company, and allow him such compensation as they may think proper; and on all occasions, whenever a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her; and any stockholder may depute any other person to vote and act for him or her as his or her proxy.

SEC. 6. *Be it further enacted,* That the president and directors of said company shall be chosen annually by the stockholders of said company, and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which they were elected shall have expired, such vacancy shall be filled by the president or directors, or a majority of them; and that the president and directors shall hold their office until their successors are chosen and qualified, shall have power to call meetings of stockholders

at any time, and a majority of stockholders shall have power to remove the president or any director and to fill all vacancies occasioned by removal at pleasure.

Officers, &c., appointed.

SEC. 7. *Be it further enacted,* That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure, and a majority of them may determine the compensation of all officers, engineers and servants of said company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in the company for carrying into effect the objects of this act: *Provided,* only that such by-laws shall not be contrary to the laws of this State or the Confederate States; and said president and directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to issue certificates or other evidence of such loan, and to pledge the property of said company for the payment of the same with interest.

By laws.

Installments.

Penalty for failure to pay.

SEC. 8. *Be it further enacted,* That the president and directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such time as they may think best for the interest of said company, and upon the refusal or failure of any stockholder to pay the instalment required on his, her or their stock in pursuance of any call made by the president and directors as aforesaid, said president and directors may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of such stock owned by such delinquent stockholder, or any part thereof, to the highest bidder; and if the proceeds of the sale of such share or shares should amount to less than the amount due upon instalments as above mentioned, said stockholder shall be and remain liable to pay to the said company the deficiency in manner and form as hereinafter specified.

Further penalty.

SEC. 9. *Be it further enacted,* That upon failure or refusal of any stockholder to pay any instalment called for or demanded by the president and directors of said company, or if upon the sale of said shares as before specified, they shall be sold for a less amount than that due upon instalments as above mentioned, the president and directors, upon giving twenty days notice to said delinquent stock-

holder, may proceed by their attorney to move the circuit court of the county in which said stockholder may reside for judgment against the said stockholder for the amount called for by the president and directors of said company, or as the case may be, for any deficiency that may occur in the sale of said stock as hereinbefore specified, and said court is hereby authorized and required to render judgment against such delinquent stockholder at the same term of the court at which such motion is made, which judgment so given shall be a lien on the real or personal property of said stockholder, and execution shall issue as upon other judgments for the amount of the judgment and costs, and all notices hereby required to be given in such cases to such delinquent stockholder shall be issued by and in the name of the secretary to the board of directors and served by the sheriff of the county in which the stockholder may reside, and shall be returned to the office of the clerk of the circuit court as in cases of common writs; and the sheriff shall be entitled to a fee of one dollar for serving such notice, which, with all costs that may accrue on such proceedings, shall be paid by the party against whom the judgment is rendered: *And be it further provided*, that said company, acting by the board of directors or their authorized agent, or attorney, in addition to the remedies already herein provided against stockholders, shall have the right in all cases where an attachment would be allowable between individual persons, to resort to the ordinary process of attachment, not only to secure or collect instalments which may be due, but also to secure the remaining unpaid portion of subscriptions to the capital stock of said company, which attachments shall be levied by the proper officer in all respects as other attachments, and the same affidavit and bond shall be given by the plaintiff and the same bond given by the defendant or defendants as in other cases: The affidavit may be made and bond given by an agent or attorney of the company, and garnishees may be summoned as in other cases, and these rights and powers shall extend and apply as well to ancillary as to other forms of attachments: *And be it also further provided*, that in all suits or motions of the president and directors of this company against stockholders, where it shall appear that the presiding judge before whom the case or cases may come for hearing is interested, on motion of the plaintiff's attorney therefor, the case or cases shall be by the presiding judge transferred for trial

Judgment.

Attachments.

to the nearest circuit court next sitting, the presiding judge of which may be supposed not to be interested, so that the case or cases may be determined as speedily as practicable; and the case or cases shall be heard and determined in the court to which they may be removed (the presiding judge being disinterested) as if they had been originally brought in said court.

Right of way, &c.

SEC. 10. *Be it further enacted*, That the said company, acting by its board of directors, is hereby authorized to contract for and purchase such timber, stone, fixtures and other materials as may be needed in the construction, completion and operating of their said road, and to purchase, receive and hold in fee simple such quantity and parcels of land as may be required by the company for right of way for single or double track railroad, and such lands and appurtenances as may be acquired at different places for stations, turnouts, ample depots and warehouses, workshops, machine shops, and other necessary purposes in connexion with the railroad; and the said company may, by their agents, engineers and servants, enter upon and occupy all the lands and tenements authorized to be purchased or held as aforesaid. In case any portion of the land authorized to be required by said company shall belong to the estate of any deceased person or persons, the company may contract with the executor or administrator of such deceased person or persons, who are hereby made competent to convey to said company such title in such lands as was held by his, her or their testator or intestate at the time of his, her or their death, or in case said lands shall belong to a minor or minors, or persons *non compos mentis*, the company may contract with his, her or their guardian or guardians, who are hereby made competent in their fiduciary capacity to convey to said company such portion of the lands of his, her or their ward or wards, as the company is by this section authorized to receive and hold, and in case such lands or any part shall be held by trustees of school or other trustees or body corporate, the said company may contract with and receive conveyances from such trustee or trustees or *cestui que trust* or the managers or directors of the body corporate. All which conveyances so authorized, when made in conformity with the provisions of this section, shall vest in said company such title as the person or persons who may be represented by the parties hereby authorized to make such conveyances may have in the lands at the time of making

Conveyances.

Writ of ad quod
damnum.

such conveyances. In the event that the said company and the owners of the lands, or any portion thereof authorized to be acquired by said company, shall not agree about the same, and this provision relates also to the lands belonging to the estates of deceased persons, minors, or persons *non compos mentis*, or lands held by trustees or bodies corporate, as above specified, and those authorized in this section to make conveyances thereof, or in case the owner or owners of such lands may be unknown, or may reside without the State, or his, her or their residence may be unknown, in these, or any such cases, the said company, acting by its board of directors or duly authorized agent or agents, may apply to the clerk of the circuit court of the county in which such lands may lie for a writ *ad quod damnum*, which writ, whenever so applied for, shall be issued by said clerk, directed to the sheriff of his county, commanding and requiring him to summon a jury of seven good and discreet freeholders of his county no ways related to the owner or owners of the lands to be assessed, nor stockholders of the company, and who are not likely to be interested in similar proceedings, to be and appear at such suitable and convenient place as he may designate, on a day or days to be fixed by him, which day or days shall be as early as practicable after the said writ may come to his hands, to assess the value of the lands specified in the writ *ad quod damnum* and required by said company, and the damages which the owner or owners may sustain by the construction of the railroad of said company through such lands and the right of way which may be required for said railroad; and it shall the duty of such persons so summoned as jurors, to appear at the time and place appointed, then and there to determine and assess the value of said lands and the damages which may be sustained as aforesaid by the condemnation of said lands for the use of the company as they may be specified in the said writ of *ad quod damnum*, and the same jury may act in one or more cases to be set forth in the same writ or separate writs of *ad quod damnum* as may be deemed most expedient and convenient, so as to render the cost of such proceedings as small as practicable. If any juror so summoned fail to appear according to the summons without reasonable and sufficient excuse, to be rendered at the next term of the circuit court of his county, he shall be subject to a fine for such default, to be assessed by the presiding judge of said court, of not exceeding

fifty dollars, for which judgment may be rendered against him in said court with costs, and the return of the sheriff or his deputy on the summons, which may have been served on such juror, stating his failure to appear, shall be evidence of the default. The sheriff, if he shall fail or wilfully refuse to perform the duty required of him by this section, shall, for every such refusal or wilful neglect be subject to a fine, to be assessed by the judge of the circuit court of his county presiding, of not less than ten nor more than fifty dollars. If any jurors who may be summoned as aforesaid fail to appear, or by reason of challenge for cause or otherwise fail to sit, the sheriff shall forthwith summons, if practicable, other competent jurors sufficient to complete the panel, and if the jurors empanelled, a majority of whom shall be competent to render a verdict in each and every case, shall fail to render a verdict, a new jury shall be empanelled in all such cases as soon as practicable thereafter, and this may be done as often as may be required, until a verdict is had. When the empannelling of the jury shall have been completed, they shall, as soon as practicable thereafter, proceed to inquire into the matter or matters submitted to their decisions, and for this purpose shall hear such testimony as to them may appear material and pertinent to the matter in issue, having taken an oath, to be administered by the sheriff, to well and truly try the case pending and submitted to their decision, between A. B. complainants, and the Ashby and Cahaba River Railroad Company, defendants, and that they will take into consideration the advantages and value which the construction of the railroad may give to lands or other property, as well as the injury said lands or other property may sustain by its construction through or near which it may be constructed. The jury shall appoint one of their number to preside during the investigation, who shall have power to preserve order and administer oaths to witnesses, as he is hereby authorized and empowered to do, or the oaths may be administered by any acting justice of the peace, all witnesses being required to take the ordinary oath or affirmation administered by courts of justice. When the jury shall have made sufficient enquiry into their estimation by inspection of the premises, and by hearing testimony or by other means, they shall proceed to render their verdict in accordance with the sense of the majority, which verdict shall be certified by the jurors assenting to it, and attested by the sheriff or his

deputy, and with the writ of *ad quod damnum* shall be returned to the clerk of the said circuit court, by whom it shall be filed and securely kept among the records of the court, and a certified copy thereof shall, when required, be delivered by the clerk to either party, who shall pay therefor at the rate of charges allowed for recording, which copy, in the event of the loss of the original papers, shall be sufficient evidence of the finding of the jury in the case, the clerk certifying that a writ of *ad quod damnum* has been duly issued, and annexing thereto the verdict of the jury as returned to him, certifying that it is a true copy of the verdict, and also setting forth in his certificate (if not stated in the verdict) a description of the land to which the verdict applies. Every verdict thus rendered and returned so soon as the damages which may be awarded to the owner or owners of the land condemned, if any be awarded, shall have been paid, (and the same if no damages be awarded) shall vest in said company, absolutely, all the right, title and interest in the land specified in the proceedings, and condemned, which the person or persons with whom the trial was had, or to whom notice had been given as hereinafter provided for, if claiming in their own right may have or possess, or if not claiming in their own right, then all the right and title of the person or persons by him or them represented: *Provided, however,* that if either party should be dissatisfied with the finding of the jury the dissatisfied party may appeal to the next term of the said circuit court after the finding, if as much as thirty days shall intervene between the finding of the jury and the holding of said court; if not, then the term of the court next after, when the case shall be tried *de novo* by the court and jury: *Provided,* the appealing party shall give the opposite party as much as twenty days' notice of the appeal, and shall also before the clerk of said court enter into bond and security, to be approved by him, payable to the party appealed against in a sum double the amount of what the clerk may estimate the probable cost, conditioned to pay the party appealed against all the costs of the trial *de novo*, as well as the costs of the writ of *ad quod damnum*, in the event that the finding of the jury in the trial *de novo* shall not be more favorable to the appealing party than the trial on the writ of *ad quod damnum* in the first instance. When the person or persons whose claim or claims are involved shall be non-residents, or their residence shall be unknown, or the

Appeal.

Non-residents

owners of the land shall be unknown, in either of these cases the person or persons whose rights are involved shall be allowed as much as thirty days to appeal, reckoning from the date of the verdict. In all other cases, the appeal shall be taken in thirty days, and in either event, if the party desiring to appeal neglects to do so until the time allowed has expired, the judgment thereupon shall become conclusive and final. The said company shall not be hindered or delayed in the prosecution of any portion of their work by or during the pendency of these proceedings, but no title shall be vested in the company until the proceedings shall have terminated and the company shall have paid the amount of damages which shall be awarded against it, as well as the costs which may be awarded against it. All payments required of the company under any proceedings which may be had as by this act provided, may be paid directly to the party or parties entitled to receive payment, or else may be made to the judge of the probate court of the county in which the lands involved in the proceedings may lie, for the use of the party entitled, which payment said judge shall be bound to receive and receipt for in his official character; and the judge of probate, to whom such payments may be made, shall be liable on his official bond to account for and pay over to the parties entitled all sums so received.

Payment to party
or Judge.

Lands to become
property of com-
pany.

SEC. 11. *Be it further enacted*, That the said lands or other property, when so condemned and estimated as aforesaid, shall enure to and become the property of said company forever upon the payment by said company of the amount assessed by the jury as provided for in the 10th section of this act to the party claiming damages on account of the construction of said road through said lands, or for such other property.

Injury to road.

SEC. 12. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said road or roads, he shall forfeit and pay to the president and directors of said company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases, and on complaint made to any magistrate within whose jurisdiction such offence shall or may have been committed, it shall be his duty thereupon to bind the person or persons so offending with sufficient security for his or their good behavior for a period of not

less than one year, and such offender shall also be subject to indictment, and shall be sentenced, at the discretion of the court, to be imprisoned not less than three nor more than twelve months.

SEC. 13. *Be it further enacted*, That in the construction of said railroad, the president and directors of said company shall not in any way or manner obstruct any public road now established, but shall prepare convenient passages to travel over said railroad. Not to obstruct public road.

SEC. 14. *Be it further enacted*, That after the completion of said road, or any part thereof, the said president and directors may lay and collect tolls from all persons, property, merchandize and other commodity transported thereon. Tolls.

SEC. 15. *Be it further enacted*, That the general assembly reserves the right and power to authorize the construction of any railroad to cross the one authorized by this act, at any point the general assembly may think proper. Reservation.

Approved August 29, 1863.

No. 38.] AN ACT

To amend the act incorporating the Alabama Direct Trade and Exchange Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the powers conferred, the president and directors of said company and their successors, be and they are hereby authorized to invest in war steamers, gunboats or other water craft, to engage in the volunteer navy, or as privateers under the laws of the Confederate States. May invest in war steamers, &c.

SEC. 2. *Be it further enacted*, That said company by their board of president and directors may purchase and sell goods, wares and merchandize, foreign and domestic, as natural persons. Buy and sell goods.

SEC. 3. *Be it further enacted*, That the stockholders in said Alabama Direct Trade and Exchange Company now being, or who may hereafter become such, shall only be liable for the amount of stock subscribed, and no more. Liability.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in any wise contravening the provisions of this act, be and the same are hereby repealed. Repeal.

Approved August 29, 1863.

1863.

44

No. 39.]

AN ACT

To pay the Secretary of the Senate and Chief Clerk of the House of Representatives for services therein named;

\$150 appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and fifty dollars be appropriated each to the Secretary of the Senate and the Chief Clerk of the House of Representatives, for completing the journals of their respective houses, arranging and filing away papers in proper order for the next session of the general assembly.

Approved August 29, 1863.

No. 40.]

AN ACT

For the relief of Ellen E. Robinson and Elizabeth Main.

Robinson made free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter Ellen E. Robinson, the wife of W. T. Robinson, of Montgomery county, be authorized to make contracts and acquire and hold property, and deal generally in her own name as if she was sole and unmarried.

Property sole.

SEC. 2. *Be it further enacted,* That all property acquired by her under the provisions of this act shall be held by her for her sole and separate use, free from the control of her said husband, and not liable in any manner for his debts, contracts or engagements either present or future.

May be sued.

SEC. 3. *Be it further enacted,* That upon all contracts made by the said Ellen E. Robinson, who may sue or be sued, as if she was sole and unmarried, without joining her said husband with her in such suits, and that she may maintain actions in her own name alone to recover property acquired by her under this act, or for injuries done to such property, and that she may also be sued and made liable in her own name alone for injuries done by her to the property of other persons.

Main entitled.

SEC. 4. *Be it further enacted,* That all the benefits and provisions of this act shall extend to and be enjoyed by

Elizabeth Main, the wife of Travis Main, of Covington county.

Approved August 29, 1863.

No. 41.]

AN ACT

For the relief of a person therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to draw his warrant on the State treasurer for the sum of one hundred and ninety-eight dollars and a half, in favor of Charles A. Toney, the above amount having been paid out by J. W. Latham for ammunition to be used in defense of the State, and the account transferred to said Toney. \$198.50 appropriated.

Approved August 27, 1863.

No. 42.]

AN ACT

For the relief of Wiley J. Coleman, of Choctaw county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller be and he is hereby authorized to draw his warrant on the treasurer in favor of Wiley J. Coleman, late tax collector of Choctaw county, for the sum of five hundred and eighty-six dollars and forty-eight cents, which he improperly paid as tax collector to the comptroller, for taxes assessed in the year 1861, and which ought to be refunded to him. \$586.48 refunded.

Approved August 29, 1863.

No. 43.]

AN ACT

For the relief of R. R. Pickering and James L. Terrell, as Executors of John D. Catlin, deceased, late of Marengo county

SECTION 1. *Be it enacted by the Senate and House of Rep-*

Executors may in
vest.

representatives of the State of Alabama in General Assembly convened, That R. R. Pickering and James L. Terrell, as executors of the last will and testament of John D. Catlin, deceased, late of Marengo county, be and are hereby authorized and empowered to vest any moneys of the estate of their said testator, now in, or which may come to their hands in bonds of the State of Alabama, or of the Confederate States of America.

Approved August 29, 1863.

No. 44.]

AN ACT

For the relief of P. M. Frazier and P. A. Brandon.

Preamble.

Whereas, Patrick M. Frazier has been elected sheriff, and Philip A. Brandon has been elected clerk of the circuit court of the county of DeKalb, in this State, and whereas both of said persons were at the time in the actual military service of the Confederate States, and were unable to get home within the time prescribed by law, in which to make their respective official bonds, therefore

May give bond.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the said Frazier and Brandon to execute their respective official bonds, conditioned and approved as now required by law, and to be as valid and binding as if the same had been filed within the time prescribed by the code of Alabama, any law to the contrary notwithstanding.

Approved August 27, 1863.

No. 45.]

AN ACT

For the relief of the indigent families of soldiers in Washington county.

Commsr's Court
may borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Washington county, be and is hereby authorized to borrow a sum of money not exceeding ten thousand dollars,

and to appropriate the same to the support of the indigent families of soldiers in said county as directed by the act entitled "an act to provide for the support of indigent families of soldiers in the army of the Confederate States from the State of Alabama."

Sec. 2. *Be it further enacted,* That the court of county commissioners of Washington county, be and is hereby authorized to levy a special tax in said county, not exceeding in any one year fifty per cent. on the State tax, for the purpose of repaying any sum that may be borrowed under the first section of this act. May levy special tax.

Approved, August 27, 1863.

No 46.]

AN ACT

To provide compensation to the doorkeeper and other officers therein named of the two Houses at the present session.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the doorkeepers of the Senate and House of Representatives shall be entitled to receive in addition to the compensation now allowed by law, two dollars per day during the present session of the General Assembly; that the assistant clerk and engrossing clerk of the house, and the assistant secretary of the senate, shall each receive two dollars per day in addition to the amount now allowed by law. \$2 per day.

Approved August 29, 1863.

No. 47.]

AN ACT.

For the relief of William B. Robinson, of Tuscaloosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the State treasurer in favor of William B. Robinson, for the sum of six thousand five hundred and sev- Appropriates \$6,570.

3091

enty dollars, (\$6,570) the said sum being a balance due for extra work done on the insane hospital.

Approved August 27, 1863.

No. 48.] **AN ACT**

For the relief of the Gas Light Company of Selma and other gas companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the war, and for twelve months after the declaration of peace with the United States, the Selma Gas Light Company, and other gas light companies in this State, are hereby authorized to charge the same prices for gas, gas fixtures and fittings, as the gas light companies of the cities of Montgomery and Mobile are now legally authorized to charge.

Approved August 27, 1863.

No. 49.]

AN ACT

Making appropriation to pay Joel White and B. B. Davis for stationery furnished the State of Alabama and M. M. Nell, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the State treasurer for the sum of eight hundred and two dollars in favor of Joel White, in payment of stationery furnished the State.

\$802. White.

SEC. 2. *Be it further enacted,* That the comptroller of public accounts is hereby authorized and required to draw his warrant in like manner in favor of Benj. B. Davis, for the sum of one hundred and twenty-four dollars and thirty-five cents, in payment for stationery furnished the State.

\$124.55. Davis.

SEC. 3. *Be it further enacted,* That the comptroller of public accounts is hereby authorized and required to draw his warrant in like manner in favor of M. M. Nell,

\$5. M. M. Nell.

for the sum of five dollars in payment for box rent in the postoffice for the use of the members of the House of Representatives.

Approved August 29, 1863.

AN ACT

No 50.]

AN ACT

To divorce Lemons Box from his wife Rutha Box.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lemons Box be and he is hereby divorced from his wife Rutha Box, pursuant to a decree of of the chancery court of the eleventh district, southern division, made at the November term 1860 thereof.

Approved August 27, 1863.

No 51.]

AN ACT

To divorce Moses Jones from his wife Sarah Ann Jones.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court for the eleventh district of the southern chancery division of the State of Alabama, at the May term 1860 thereof, Moses Jones, be and he is hereby divorced from his wife Sarah Ann Jones.

Approved August 27, 1863.

JOINT RESOLUTIONS

OF THE CALLED SESSION.

JOINT RESOLUTIONS.

To equalize Taxation for the support of indigent families of soldiers, and to support the same by the State.

WHEREAS, the appropriation made at the session of the legislature of 1862, and approved November 12th, 1862, for the support of the indigent families of soldiers has been found insufficient for said object; and whereas, in consequence of said insufficiency the commissioners' courts of the various counties of the State have been compelled to levy an additional tax to supply the deficit of said appropriation for the support of said families; and whereas the counties furnishing the largest number of soldiers are in the main the least able to supply said deficit, in consequence whereof the said families in some of the counties are very inadequately supported, and whereas, all the soldiers of the State are alike battling for the rights and liberties of the State and Confederacy, therefore be it

1. *Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the indigent families of soldiers of this State be treated with the same consideration, and that taxation for the support of the same be equally borne by the people of the State, and an amount necessary for such support be appropriated from the treasury of the State.

2. *Be it further resolved*, That for the purpose of ascertaining the appropriation necessary to be made, the comptroller be instructed to obtain from the various judges of probate of the State the respective amounts raised by the several counties of the State, together with an estimate of the amount of funds that will be required for the support of such families during the ensuing year, and report the same to this body at its next regular session.

Approved August 27, 1863.

JOINT RESOLUTIONS

In relation to the increase of the Army of the Confederate States.

WHEREAS, the Confederate Government demands the services of all persons subject to conscription to fill up the ranks of our regiments now in the field, and our State taxed to its utmost to furnish troops for State defense; and whereas, there are large numbers of able-bodied men connected with the army of the Confederate States on service as clerks, agents, &c., of post or district quartermasters or commissary, or are otherwise employed than in active military service; and whereas, our army has been greatly reduced on account of the numberless details of soldiers to labor in government workshops and other places, and upon railroads, performing such work as can be and has usually been rendered by slaves.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in the opinion of this general assembly public sentiment and the exigencies of the country require that all able-bodied men in the service of the Confederate States as clerks, or employed in any other capacity in any of the quartermaster or commissary departments of the government, should be put into active military service without delay, and that their places should be filled with soldiers or citizens who are unfit for active military service.

2. *Be it further resolved*, That this general assembly are of the opinion that the details of soldiers from the army to labor in workshops, foundries, and other places, and upon railroads, have been entirely too numerous, and in many instances useless, and that in the opinion of this body slaves should be required by the Confederate States to take the places of all those soldiers who are detailed to labor in the places herein mentioned, when it can be done without prejudice to the service, and that prompt and efficient measures should at once be adopted to effect these purposes.

3. *Be it further resolved*, That this general assembly earnestly calls the attention of the President and Secretary of War of the Confederate States to this subject as requiring immediate and energetic action on the part of the government.

4. *Be it further resolved*, That this general assembly recommend to Congress such a modification of the exemption law as will correct the evils herein named, and thereby increase the strength of our military force.

5. *Be it further resolved*, That in view of the fact that the government of the United States has determined to put in the field negro soldiers, and are enlisting and drafting the slaves of the people of the South, this general assembly submits for the consideration of Congress the propriety and policy of using in some effective way a certain per centage of the male slave population of the Confederate States, and to perform such service as Congress may by law direct.

6. *Be it further resolved*, That the Governor transmit a copy of these resolutions to the President of the Confederate States, the Secretary of War, and a copy to each of our Senators and Representatives from this State in the Confederate Congress.

Approved August 29, 1863.

JOINT RESOLUTIONS

In relation to the War between the Confederate States and the United States.

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the war now being waged against the people and upon the property of the Confederate States by the United States, is unprovoked and unjust, and is being conducted by our enemies in utter disregard of the principles which should control and regulate civilized warfare; that our oft repeated purpose never to submit to abolition rule remains unshaken; that our late reverses not being attributable to any want of courage or heroic self-sacrifice on the part of our brave armies, should not discourage our people or produce doubt as to our final success; and that we hereby pledge to the cause of independence and perpetual separation from the United States all the resources of the State of Alabama.

2. *Be it further resolved*, That in order to insure a speedy triumph of our cause and the firm establishment of our independence, it is the paramount duty of every citizen in the Confederate States to

sustain, invigorate and render effective our gallant armies to the full extent of his ability by encouraging enlistments, by furnishing subsistence to the families of soldiers at prices corresponding with the means of such families, and by upholding the credit and currency of the Confederate Government; and that to dishearten the people and the soldiers at a period like this, to enfeeble the springs of action and destroy the elasticity requisite to rise superior to the pressure of adverse circumstances, is to strike the most insidious and yet the most fatal blow at the very life of the Confederacy.

Approved August 29th, 1863.

JOINT RESOLUTIONS

Providing for the purchase of Stationery and Fuel.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two thousand five hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated for the purchase of stationery and fuel for the use of the State.

2. *Be it further resolved,* That the comptroller of public accounts issue his warrant in favor of the Secretary of State for the foregoing amount, to be paid out of any money in the Treasury not otherwise appropriated; *Provided,* That the vouchers for purchases under this appropriation shall be filed in the comptroller's office.

Approved August 29, 1863.

JOINT RESOLUTION

Instructing our Senators and requesting our Representatives to procure the passage of a law paying for horses lost in the war.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in the Congress of the Confederate States be instructed, and our Representatives be requested to use all honorable means to secure the passage of a law providing for the payment of horses lost in the military service of the Confederate States by unavoidable accident or captured by the enemy.

Approved August 27, 1863.

**OFFICE OF SECRETARY OF STATE, }
MONTGOMERY, ALABAMA, September 22d, 1863. }**

**I hereby certify that the foregoing Acts and Joint Resolutions are
correct copies from the original rolls on file in this office.**

P. H. BRITTAIN,
Secretary of State.

LAWS OF ALABAMA.

ACTS OF THE THIRD ANNUAL SESSION.

No. 52.]

AN ACT

To repeal certain acts regulating judicial proceedings,
and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to regulate judicial proceedings, and for other purposes," approved February 8th, 1861: "An act explanatory of the said act," approved February 9th, 1861, and "An act entitled an act to regulate judicial proceedings," approved December 9th, 1861, be and the same are hereby repealed: *Provided*, That all bonds taken in pursuance of either of said acts shall remain valid, and may be enforced according to the provisions of said acts, or as may be otherwise provided by law: *And provided further*, That all liens on judgments, decrees and forfeited bonds acquired under said act, be and the same are hereby preserved and maintained, and not in any word affected by the repeal of said act, or any provisions contained in this act, except as hereinafter provided.

Repeal of acts of 1861.

Bonds in force.

Liens preserved.

SEC. 2. *Be it further enacted*, That no judgment or decree, except in attachment cases, issued for any cause other than non-residence, shall be rendered against any person who is at the time in the actual military or naval

No judgment against soldiers, &c., except

Nor execution.

Mortgaged property of soldiers &c., when may be sold.

service of this State, under the call of the Governor, or in the actual military or naval service of the Confederate States, until one year after he shall be discharged from such service; nor shall any execution issue on any judgment or decree heretofore rendered against any person so engaged, nor shall any property conveyed by deed in trust or mortgage, for the security of debts, be sold by virtue of any power of sale therein, while the maker thereof is in service as aforesaid, or for one year thereafter, unless the said mortgaged or trustee has the actual possession of such property, or the written assent of such debtor; *Provided*, That the benefit of this section shall not extend to county reserves nor to persons who have volunteered for local defence, and who are not required by the terms or conditions of such service to leave the county of his residence.

Plaintiff's assent to receive Confederate notes presumed unless &c.

SEC. 3. *Be it further enacted*, That on all executions that shall hereafter issue on any judgment or decree for the collection of money, the plaintiff's assent to receive State or Confederate treasury notes shall be presumed, unless he shall write, or cause to be written on such execution, before payment to the officer, a demand for gold or silver, or its equivalent, and any officer into whose hands any execution shall hereafter come, is hereby authorized, without liability on his part, to receive, in satisfaction of the same, the treasury notes of the Confederate States, or the treasury notes of this State, without further notice to the plaintiff, unless a demand as aforesaid is written on said execution. And in all cases where gold or silver, or any other payment is demanded, except Confederate notes or State treasury notes, the sheriff or officer holding such execution shall immediately return the same with his endorsement thereon, "stayed by operation of law," and no other execution shall issue on such judgment or decree until one year after the termination of the present war, and shall bear interest only at the rate of two per cent. per annum from the date of said return, and shall lose the lien heretofore given by law to executions. And all decrees in chancery for the sale of any property under any deed in trust, or otherwise for the payment of debts, the complainant's assent to receive the treasury notes of the Confederate States, or of this State, shall be presumed, and the register is hereby authorized, without liability on his part, to sell for and receive such notes, unless gold and silver or its equivalent, be demanded in writing, and when such de-

Execution returned if gold, &c., is demanded.

Interest and lien lost.

Same rule in Chancery cases.

mand is made, all further proceedings shall be stayed until one year after the war, and interest only at the rate of one half of one per cent. thereon shall be allowed from and after such demand. And all executions now in the hands of any sheriff, or coroner, or constable, on which the plaintiff or his attorney has not written his assent to receive Confederate or State notes, and refuses to give his assent to such officer, shall be returned to the proper court without further action, with his endorsement, "returned for further orders." *Provided*, That in all cases where gold and silver is demanded, the plaintiff shall be at liberty at any time to revoke his said order, and obtain an execution for all or any part of his said execution or decree, as he shall indicate in writing, payable in Confederate or State treasury notes.

Interest.

Executions to be returned.

Plaintiff may revoke order and have execution.

SEC. 4. *Be it further enacted*, That no property shall be hereafter sold under any power of sale in any mortgage or deed in trust, where it shall appear that the debtor in such mortgage or deed in trust has offered to the holder of such indebtedness payment in Confederate or State treasury notes, unless such mortgagee or trustee, or person entitled to receive the money, shall, before sale, notify the grantor in such mortgage or deed in trust, of his willingness then to receive payment in such treasury notes, and in that case, if said debtor or grantor shall decline to make such payment in thirty days after such notice, the sale may proceed; *Provided* the sale is for Confederate treasury notes, or the treasury notes of this State.

No sale of mortgaged property when tender made.

SEC. 5. *Be it further enacted*, That all judgments and decrees now existing in any court of record in this State, or which may hereafter exist, shall be and operate a lien upon all property of the defendant or defendants therein from the date of their rendition, except such property as may be exempt from levy and sale under legal process in this State for the benefit of families.

Judgments, &c., a lien.

SEC. 6. *Be it further enacted*, That if the defendant in such judgment, decree or forfeited bond shall tender payment of the amount thereon to the creditor therein, or his attorney of record, in current bank notes, or in treasury notes of the Confederate States or of this State, and the creditor or attorney shall refuse to receive them at par value, the lien of such judgment, decree or forfeited bond, and of all executions thereon shall thereby be discharged and prevented.

Lien forfeited.

Approved December 8, 1863.

No. 53.] **AN ACT**
For the protection of Attorneys, Agents, and other
Officers in this State.

Suits against to
be dismissed if
tender has been
made.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, if any suit at law, or in equity, shall be instituted in any of the courts of this State, against any attorney, agent, judge, clerk, sheriff or other officer, for a failure to collect or pay over any money alledged to have been collected by them, or which they have failed to collect, if it shall appear, on the trial of any such cause, that such attorney, agent, judge, clerk, sheriff, or other officer, on demand being made of them, offered to pay the same in Confederate Treasury Notes, or Treasury Notes of this State, the court trying said cause shall dismiss the same, and shall render judgment for cost against the plaintiff.

Approved December 8, 1863.

No. 54.] **AN ACT**

To authorize the action of Ejectment.

Suits at com-
mon law

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That no part of the laws of this State shall be so construed as to abolish the action of *Ejectment*, as established at common law, and in all suits to recover land or the possession thereof, the plaintiff shall have his election whether to proceed by the writ of ejectment, or by writ in the nature of an action of ejectment, as provided by section 2209 & 2210 of the Code.

Suits to be
mutual.

SEC. 2. *Be it further enacted,* That whenever the defendant demands an abstract of plaintiff's title under section 2211, of the Code, he shall tender within ten days thereafter, if the plaintiff demands it, an abstract, in writing, of the title or titles on which he will rely for defence, and on the trial shall be confined to the title or titles embraced in such abstract.

Approved November 19, 1863.

No. 55.] AN ACT

To enable married women the more effectually to recover property secured to them by the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when a married woman institutes her suit in the Court of Chancery against her husband, for the recovery of personal property secured to her by the Code, or for the purpose of depriving him of any right or interest therein, upon affidavit being made by her before the Register, of the court where suit is commenced, that the property is in danger of being carried beyond the jurisdiction of the court, or that the property is in danger of being seized by her husband and misapplied by him, or carried out of the State, or wasted; it shall be the duty of the Register to issue a writ directed to the Sheriff for the seizure of such property.

May the husband
upon affidavit

Writ of seizure.

SEC. 2. *Be it further enacted,* That sections, 2966, 2967, 2968, 2960, and 2970, of the Code, are hereby incorporated and made a part of this act, so far as the same are applicable.

Code applicable

Approved December 4th, 1863.

No. 56.] AN ACT

To authorize Registers in Chancery to take forthcoming bonds in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter when the decree of any Chancery Court of this State shall order the sale of any personal property, it shall be lawful for the Register, or other person directed to make such sale, to take from the defendant or defendants a forthcoming bond in double the amount of the decree for the delivery of such property on the day of sale.

Register may
take forthcoming
bonds.

SEC. 2. *Be it further enacted,* That if the property is not delivered, such Register, or person directed to make such sale, shall return the bond "forfeited," in which case the bond shall have the force of a judgment and ex-

Bond when for-
feited

ecution may issue against all the obligors of such bond, any law to the contrary notwithstanding.

Approved November 23, 1863.

No. 57.]

AN ACT

To prevent the impressment or purchase of property under false pretences.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act to prevent false representations as to Government agencies, approved November 8, 1862, be and the same is hereby repealed; *Provided,* that nothing herein shall operate to discharge any person who may have been guilty of a violation thereof, or who may have been indicted therefor.

Act of 1862 repealed.

Penalty for falsely personating.

SEC. 2. *Be it further enacted,* That if any person or persons shall falsely and wilfully represent himself or themselves to be agents of the Confederate Government, or of any State of said Confederate Government, or of any officer or contractor under the same, and under such false representation impress or purchase any commodity or property of any kind whatever, such person or persons shall be liable to indictment, and, on conviction, fined not less than five hundred, nor more than five thousand dollars, and imprisoned in the penitentiary not less than one, nor more than five years, one or both at the discretion of the jury trying the case.

Approved November 25, 1863.

No. 58.]

AN ACT

To provide for the maintenance of civil authority and the preservation of law and order within the limits of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person as to whom a writ of *habeas corpus* has been issued and served, who wilfully fails or refuses, under any pretence whatever, to obey the man-

Felony to evade or disobey writ

date thereof, or the orders of the Judge or court thereon, before whom the same is heard, or who knowingly and intentionally shall prevent the service of the same by force, or by keeping out of the way, or who shall wilfully fail or refuse to permit any person, upon application by counsel, in his custody, to consult with, and have the assistance of counsel for the purpose of suing out or prosecuting said suit, or who shall send away or conceal any person who is in custody or under his control, with intent to prevent said writ from being sued out or executed, or the petitioner from being discharged when the Judge or court so orders, shall be guilty of a felony, and, on conviction, shall be fined not less than one thousand dollars, or imprisoned in the penitentiary not less than one nor more than five years, at the discretion of the jury trying the same.

SEC. 2. *Be it further enacted.* That it shall be the duty of the Governor to arrange, if possible, with the Confederate Government for the employment of the militia and county reserves in arresting and returning deserters, and out-lying persons who are liable to render military service to the Confederacy, on the condition that the Confederate Government will recall and place in active military service, the cavalry and other forces now employed in that duty in various parts of this State, as far as consistent with the common defense and general welfare. It shall also be the duty of the Governor, to arrange, if possible, with the Confederate Government for the employment of the militia and county reserves, or of any military companies or fire companies existing in this State and not legally bound to render military service outside of this State, in performing provost guard duty in this State, so as to strengthen the Confederate army, by allowing those belonging to the Confederate army who may be performing provost guard duty to be put in active service in the field against the enemy.

Governor to cause militia to do provost duty if &c.

Military and Fire Companies also.

Approved December 8th, 1863.

No. 59.]

AN ACT

To secure the trial of Slaves under Indictment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Owner to employ
counsel.

convened, That when a slave is indicted for any offence it shall be the duty of the owner of the slave to employ counsel to defend the slave, and cause the slave to have a fair and impartial trial.

On failure court
to appoint.

SEC. 2. *Be it further enacted*, That when the owner fails to employ counsel to defend the slave, the court shall appoint counsel to defend the slave, and a trial shall be had as early as a due regard to the proper administration of the law will allow; and where the slave is defended by counsel appointed by the court, the presiding judge must ascertain and certify the value of the services rendered by counsel, and if the sum so certified is not paid by the owner of the slave, the counsel may sue the owner of the slave to recover the value of the services so rendered, and the certificate of the judge shall be *prima facie* evidence of the right of the counsel to recover, and the measure of damages.

No compensation
if owner fails, &c.

SEC. 3. *Be it further enacted*, That when a slave is convicted and executed for a capital offense, the owner shall not receive any part of the assessed value of the slave unless he has complied with the duties required by this act.

Approved December 7, 1863.

No. 60.]

AN ACT

To prevent Gaming in this State.

Felony to keep
table.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened* That any person or persons who shall keep or exhibit or be interested or concerned in keeping or exhibiting any gaming table of any kind for gaming, shall on conviction be imprisoned in the Penitentiary for two years.

Penalty on rent-
ing room.

SEC. 2. *Be it further enacted*, That if any person or persons shall rent or lease a house or room for the purpose of being used as a gaming house, he or she shall on conviction be fined, not less than one hundred dollars, at the discretion of the jury trying the same. *Provided however*, that this act shall not go into effect until the 1st day of January next; and that nothing contained in this act shall in any manner affect any prosecution now pending, or any offence already committed, or which may be

Provided,

committed before the 1st day of January next, against any provision of any existing law.

Approved Dec. 3rd, 1863.

No. 61.] AN ACT

To prevent illicit trading with Slaves.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on the trial of any one charged with unlawfully trading with slaves, a conviction may lawfully be had on evidence that with a view to the detection of such person, witnesses, lying in wait, watched while a slave was sent to do the trading which witnesses seen the offence committed. Evidence to convict.

Approved November 25, 1863.

No. 62.] AN ACT

To increase the fees now allowed by law for apprehending and committing to jail runaway slaves.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for apprehending and committing a runaway slave to jail, or for delivering him to his owner, the sum of ten dollars shall be allowed, instead of six as now provided by law. Fee for taking. And for taking a runaway slave to jail, the person performing such service shall be entitled to fifteen cents per mile, in going to and returning from the jail, and to a like compensation when the slave is delivered to his master or overseer, instead of ten cents per mile as is now provided. Mileage. And the Justice of the Peace Justice's fee. shall be allowed for his services the sum of one dollar and a half in lieu of seventy-five cents now allowed.

Approved December 7, 1863.

No. 63.] AN ACT

To authorize Executors, Administrators, Guardians and Trustees to receive treasury notes of this State and of the Confederate States in payment for property sold by them, as such.

Executors, &c.,
may receive
Treasury notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where property has been ordered to be sold for cash, by the decree of any court of this State, and the executor, administrator, guardian, trustee or other party making the sale, has received as cash the treasury notes of this State or of the Confederate States, the party so receiving the same shall be exempt from any personal liability for so doing, and shall not be liable to account for the proceeds of sale so received, except in the treasury notes which he or she received. And whenever any property shall hereafter be ordered to be sold for cash by the order or decree of any court of this State, the party making the sale may receive as cash the treasury notes of this State or of the Confederate States.

Approved November 23, 1863.

No. 64.] AN ACT

To preserve the property of non-residents.

Probate Judge
to appoint trustee for absent
owner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the present war between the Confederate States and the United States, where personal property is found in any county in this State, not under control or charge of any owner, agent or representative, or trustee of the owner, or of the family of the owner, or some part thereof, and when the owner of such property is absent from the State, and there is no probability of his being in the State, or appointing an agent in the State, within three months, it shall be lawful for the Probate Judge of the county in which such property may be, upon a written petition stating the above facts, with satisfactory proof thereof, to appoint some suitable person as trustee, and authorize such person to take charge of said

property, and control and preserve the same for the owner; *Provided*, that such trustee shall be required to give bond, with at least two good and sufficient securities, payable to the Judge of Probate in a sum to be by said Judge prescribed, conditioned that he will use due diligence to preserve and take care of such property, that he will faithfully discharge his duties as trustee, and that he will deliver the same on demand of the owner, or his agent.

Trustee's bond.

SEC. 2. *Be it further enacted*, That said trustee shall have authority to employ and use, or hire out, said property in the manner in which the same is accustomed to be done by precedent owners, he being accountable to the owner for the profits, and entitled to a reasonable compensation; and that he may file his accounts as trustee for settlement in the probate court by which he was appointed; and may be compelled upon citation by the probate judge to settle his accounts in said court, and said court is authorized to render a decree against him for any sum found due by him.

Powers, &c. of Trustee.

SEC. 3. *Be it further enacted*, That an inventory and appraisement of said property shall be made in the same manner and under the regulations, which apply to the estates of deceased persons; *Provided*, that the judge of probate shall receive the same fees for his services, as are allowed by law for similar services in the settlement of an estate in the probate court.

Inventory.

Fees.

Approved November 30th, 1863.

No. 65.] AN ACT

To allow Probate Judges to appoint special Administrators in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all proceedings in the Probate Court where a deceased party must be represented, and there is no administrator, or the administrator is a party interested adversely to the estate, it shall be the duty of the Judge of Probate to appoint a special Administrator for the particular proceeding, without requiring a bond and in the same manner, and under the same regulations under which guardians "ad litem" are now appointed.

Administrator interested in issue.

Court to appoint

Pay.

SEC. 3. *Be it further enacted*, That said special administrator shall be allowed for his services such compensation as the Probate Court may direct.

Approved November 27th, 1863.

No. 66.]

AN ACT

To authorize the several Judges of Probate of this State to appoint clerks for their offices.

Judge may ap-
point clerk.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several Judges of Probate of this State shall be authorized to appoint a clerk, who shall be authorized to do and perform all acts not judicial relating to such office.

Powers of clerk.

SEC. 2. *Be it further enacted*, That such clerk shall be authorized in all cases where there is no contest to issue letters testamentary, of Administration, or Guardianship, all citations and other process necessary to the business of such office. He shall be authorized to administer oaths in all cases pertaining to the business of such office, to take and certify acknowledgments, and proof of any instrument in writing, required or authorized to be recorded in such office.

Oath and bond.

SEC. 3. *Be it further enacted*, That such clerk before entering upon the duties of his office shall take the oaths prescribed by law, and shall give bond and security in such sum as the judge may require, not to exceed the sum of five thousand dollars, made payable to such judge, upon which bond such clerk shall be liable to the judge, to the extent and amount to which said judge may be made liable, and the costs of any suit against such judge for any act performed by such clerk, or the omission, or failure to perform any of the duties of such office. Any law to the contrary notwithstanding: *Provided*, That no clerk shall be appointed that is liable to conscription.

Provide.

Approved November 27th, 1863.

No. 67.]

AN ACT

To require the Probate Judges to make certificates and affix county seals free of charge in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the existence of the act to increase the fees of probate judges and other public officers, no probate judge shall make any charge for official certificates and seals upon application by non-commissioned officers and privates or their representatives, for pay on account of military services, or on application to extend furloughs.

No charge for seal, &c., to privates, &c.

Approved December 8, 1863.

No. 68.]

AN ACT

To provide compensation for Judges of Probate in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on all moneys which judges of probate shall be required to receive under the provisions of the act entitled An act to amend section 672 of the Code, approved December 7, 1861, and as compensation for the duties required of them by said act, they shall be entitled to one-half of one per cent. to be paid by the executor, administrator or guardian in his individual character, and the judges of probate shall not be required to take the custody of such moneys until said payment shall have been made.

Fees for keeping money of Estates paid by Executor.

Approved November 30, 1863.

No. 69.]

AN ACT

To increase the fees of Judges of Probate and other public officers of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Fees increased 50
per cent.

convened, That from and after the passage of this act, and until one year after the declaration of peace between the Confederate States and the United States, judges, of probate, registers in chancery, clerk of the supreme court, clerks of the city courts of Mobile and Montgomery, and of the circuit courts, sheriffs, coroners, justices of the peace, and constables of this State, shall be entitled to charge and receive an increase of fifty per cent. upon the fees now allowed by law. *Provided*, the fee not to apply to any estate, the amount of which does not exceed five hundred dollars.

When not enti-
tled.

SEC. 2. *Be it further enacted*, That no officer shall be entitled to the benefits of this act who shall in any instance refuse Confederate treasury notes or the treasury notes of this State, in payment of the fees of his office.

When only 25
per cent.

SEC. 3. *Be it further enacted*, That in the counties in this State having special fee bills for courts of probate, the fees contained in said special acts shall be raised and increased only twenty per cent. upon the fees provided in said special acts; *provided* that this section shall not apply to the county of Sumter.

Sumter excluded.

Approved December 7, 1863.

No. 70.]

AN ACT

To regulate the fees of solicitors in certain cases.

Fees in distillery
cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all convictions for offences under an act to prohibit the distillation of grain in the State of Alabama, except under the direction and authority of the Governor, approved December 8th 1862, the fee of the solicitor shall be one hundred dollars.

Approved December 7th, 1863.

No. 71.]

AN ACT

To compensate sheriffs and other officers in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened. That in all cases where any execution from any court in this State has been levied by any lawful officer of this State and taxed by operation of law under the acts to regulate judicial proceedings, and known as the "Stay Law," and the term of office for which such officer was elected or appointed has expired before the collection of such execution the commissions allowed upon such execution shall be equally divided between the officer levying and the officer collecting.

Commissions
divided between
new and old
Sheriffs.

Approved December 8th, 1863.

No. 72.]

AN ACT

To increase the fees of Jailors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the jail fees as to matters hereinafter specified shall be as follows; viz: To victualing each white person, one dollar and half per day; for victualing each slave or free person of color, one dollar and a quarter per day in lieu of the fees now allowed by law for similar services.

\$1.50 for white.

\$1 for slave.

SEC. 2. *Be it further enacted,* That this act shall continue in force no longer than the continuance of the present war.

During war.

Approved December 8th, 1863.

No. 73.]

AN ACT

To increase the pay of jurors in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That regular jurors, both grand and petit, serving as such are entitled to receive four dollars for each day's service and ten cents a mile in going to and returning from court, and ferriages.

Pay of regular
Jurors.

SEC. 2. *Be it further enacted,* That tales jurors shall receive the same compensation as is allowed to regular jurors, but are allowed no mileage or ferriages.

Tales Jurors.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Repealing.

Twelve months
after peace.

SEC. 4. *Be it further enacted*, That this act shall remain in force until twelve months after a ratification of a treaty of peace between the Governments of the Confederate States and United States, and no longer.

Approved November 25th, 1863.

No. 74.]

AN ACT

To increase the fees of witnesses in this State.

Fees, mileage,
&c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That witnesses in civil and criminal cases in this State shall be entitled to receive three dollars per day, also ten cents per mile for each mile to and from their residence by the usual travelled route and all necessary ferriages, fees of turnpikes and toll bridges, whether attending under *subpena* or at the request of the party.

Repeal.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Extent.

SEC. 3. *Be it further enacted*, That this act shall continue in force until one year after a ratification of a treaty of peace between the Confederate States and the United States, and no longer.

Approved December 4, 1863.

No. 75.]

AN ACT

To amend section 1143 of the code.

Exemption of
overseers, &c.,
repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section eleven hundred and forty three of the code, be and the same is hereby amended by striking out all of said section after the words "two years" in the second line thereof.

Approved November 25th, 1863.

No. 76.]

AN ACT

To amend section 1203 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when any bridge has been erected by contract with the county commissioners, with guaranty by bond or otherwise, to stand for a stipulated period, and is washed away or so damaged as to become unsafe to the public, the court of county commissioners shall, upon the fact being made known to them by any freeholder of the county, notify the contractor to rebuild said bridge if it be washed away, or repair it if damaged, and in case of his refusal or neglect to do so in a reasonable time (to be judged of by the court) shall order suit to be brought in the name of the county, on said bond.

Suit on bond if contractor neglects to repair bridge.

Approved November 28th, 1863.

No. 77.]

AN ACT

To provide for the appointment of overseers of roads in certain cases and amendatory of section 1142 of the code of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, whenever by death, removal or any other cause, a vacancy shall occur in the office of road overseer in any road precinct of this State, the apportioners of said road precinct may and are hereby authorized to fill the unexpired term of said overseer by appointment, and the overseer so appointed shall exercise all the powers, perform all the duties and be liable to all the penalties that would have been imposed, had he been appointed by the commissioners of the county court.

Apportioners to appoint overseer, when

Approved December 3, 1863.

No. 78.]

AN ACT

To increase the duties of overseers of public roads, and to prevent parties from joining fences to public bridges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Overseer to keep
ford in order,
when.

convened, That when bridges on public roads become dangerous or have fallen down, it is hereby made the duty of the overseer on the road on which such bridge or bridges are located, to keep the ford in order, if deemed practicable by the supervisor, and for a failure to discharge this duty, he shall be guilty of a misdemeanor.

Fence not to be
joined to bridge.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any party or parties to join fences to bridges on public roads, unless empowered to do so by an order from the court of county commissioners, which must be obtained by a petition to said court, showing that the water over which said bridge passes is not necessary to the travelling public, or to stock of adjoining neighborhood.

Approved December 8, 1863.

No. 79.]

AN ACT

To authorize overseers of roads to serve process in certain cases, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Overseers to
serve process.

convened, That the overseers of public roads are herein authorized and empowered to serve all legitimate process that may be issued from the magistrates court in his beat against defaulters to work on said overseer's road; and the said overseer shall receive the same fees for such service as is allowed by law to constables for the same; *Provided,* there is no constable in the beat in which such process is issued by the Justice of the Peace.

Fees.

SEC. 2. *Be it further enacted,* That a notice to the overseer of any slave liable to work on any public road in this State, as provided for by section 1166 of the Code, shall be a notice to the owner of such slave as effectually as if the notice was served on such owner in person; and if such slave fail to attend at the time and place and with the tools mentioned by said notice, judgment

Notice to over-
seer of owner
good.

for the penalty now provided by law, may be rendered against the owner of such slave by the service of process on the overseer aforesaid, in the same manner as if such process were served on such owner in person.

Approved December 3d, 1863.

No. 80.]

AN ACT

To amend Section 3301 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3301 of the Code be and the same is hereby amended by striking out all after the word "fine" in the fourth line of said section, and inserting the following words "or imprisonment, the fine not to exceed two thousand dollars, and the imprisonment not to exceed six months, one or both, at the discretion of the jury trying the same." *Provided, however,* that nothing herein contained shall destroy, abate or bar any prosecution now pending, or hereafter commenced for any offence referred to in this act.

Option of Jury as to penalty for misdemeanor.

Proviso.

Approved December 7, 1863.

No. 81.]

AN ACT

To amend section 3600 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3600 of the Code shall not extend to trials on indictments for misdemeanor.

Conviction on evidence of accomplice.

Approved December 5th, 1863.

No. 82.]

AN ACT

To repeal section 3948 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

No Sunday-salt
for convicts.

convened, That section 3948 of the Code, be and the same is hereby repealed.

Approved November 30th, 1863.

No. 83.]

AN ACT

To amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of March next there shall be assessed and collected upon bonds of the State of Alabama, and also upon bonds of the Confederate States, a tax of thirty seven and one-half cents on each and every hundred dollars: *Provided*, that no tax shall be imposed upon bonds of the Confederate States held and owned by any party who may have purchased the same from the government of the Confederate States. *Provided*, that no tax shall be levied or collected on any Bonds of the State of Alabama, issued and sold before the passage of this act, which, under the law providing for their issue, was exempt from taxation.

Tax on bonds pur-
chased from other
than Government
&c.

SEC. 2. *Be it further enacted*, That a tax of seven and a half per cent. shall be assessed and collected upon the nett profits which may be derived during the year ending on the last day of February, 1864, from the purchase and sale of gold, silver, sterling exchange, bank notes, bonds of the Confederate States, and of the State of Alabama, bonds of railroad companies, domestic bills of exchange, notes and other evidences of debt.

Net profits on
gold, &c.

SEC. 3. *Be it further enacted*, That there shall be assessed and collected a tax of five per cent. upon the nett profits derived during the year which ended on the last day of February, 1863, upon all the sources of income enumerated in the preceding section, in all cases where there has been an omission to assess the same under an act entitled "an act to amend the revenue laws of this State," approved 9th December, 1862; and it shall be the duty of the tax assessors, to require tax payers to make an affidavit in writing, stating whether they have or have not paid the tax upon the profits derived from these sources during the year ending the last day of February, 1863; and in all cases where there has been an omission to assess and collect such tax, the omission shall be corrected as directed in this act.

Arrearage of tax

SEC. 4. *Be it further enacted*, That the eleventh paragraph of the second section of an act entitled "an act to amend the revenue laws of this State," approved December 9, 1862, be and the same is hereby amended by adding the words "money on deposit in this State" between the words "State" and "money" where they occur in the fifth line of said paragraph; and it shall be the duty of the tax assessor to require all parties who return "money hoarded" to state under oath whether the money so hoarded, consists of bank bills or coin.

Amends Act of
1862.

SEC. 5. *Be it further enacted*, That all taxes on gold and silver and sterling exchange on hand, on deposit, or hoarded, shall, from and after the first day of March next, be collected in gold and silver; and all taxes on bank notes shall in like manner be collected in bank notes.

Tax on gold, &c.,
collected in kind.

SEC. 6. *Be it further enacted*, That the gold and silver and bank notes which may be collected for taxes under this act shall be retained in the treasury until needed to pay interest on bonds of the State, payable in London, and shall be used for no other purpose unless hereafter authorized by law.

To pay interest
on bonds.

SEC. 7. *Be it further enacted*, That from and after the first day of March next, the tax on money on hand, on deposit, or hoarded, shall be one-half of one per cent.

Money in hand.

SEC. 8. *Be it further enacted*, That the act to amend the revenue laws of this State, approved December 9, 1862, be amended by striking out the word "ten" where it occurs in the eighth line of the 9th section of said act, and inserting in lieu thereof the word "fifty," and the tax of fifteen per cent. mentioned in the 7th section of said act shall not be collected, except from persons or corporations who have actually refused to redeem some of the paper issued by them, respectively; where there is no such refusal there shall be no such tax of fifteen per cent. mentioned in said 7th section of said act, of December 9, 1862.

Tax on cotton.

On shipplasters.

Approved December 8, 1863.

No. 84.]

AN ACT

For the relief of those Counties which are or shall be overrun by the public enemy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

No tax to be collected in counties overrun.

convened, That whenever any county in this State shall be overrun by the armies of the United States, and shall remain in their possession for such a length of time as to prevent the cultivation and gathering of the ordinary crops, the Governor shall be, and he is hereby authorized to issue his proclamation to the tax assessors and tax collectors therein, directing them to suspend the assessment and collection of all State taxes therein for the current tax year in which said invasion and occupancy shall occur; and upon the publication of the proclamation aforesaid, the tax assessors and tax collectors in said county shall desist from the assessment and collection of all State taxes in said county for the current year.

Approved December 5, 1863.

No. 85.]

AN ACT

For the relief of the Tax Collectors of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Time extended to collectors.

convened, That all the tax collectors of this State shall have until the first day of March, 1864, to make final settlements of their accounts with the Comptroller of public accounts: *Provided*, they shall respectively file a written consent of their securities on their official bond for such extension in the office of the Comptroller of public accounts, before this act shall take effect.

Proviso.

Approved December 7, 1863.

No. 86.]

AN ACT

To relieve tax payers in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Taxes overpaid to be refunded.

convened, That in all cases where the tax collector of any county in this State shall collect from any person in his or her individual or representative capacity, a larger amount, as his or her tax, than is really due, the Comptroller of public accounts of this State is required to draw his warrant on the Treasurer of the State in favor of such person for the amount of the excess of money so collected: *Provided*, the Comptroller is satisfied by the certifi-

cate of the judge of probate, under the seal of the county in which such excess is collected, that the amount claimed as such excess, is correct, and has been overpaid by the party claiming the same.

Evidence of over-payment.

Approved December 7, 1863.

No. 87.] AN ACT

Where real estate of soldiers is sold for taxes, to extend the time for the redemption of the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any real estate, the property of a soldier in the military service of the Confederate States, shall have been sold for payment of any taxes due, the time within which such real estate may be redeemed, is hereby extended until three years after the ratification of a treaty of peace between the Confederate States and the United States.

Time for redemption extended.

Approved December 3, 1863.

No. 88.] AN ACT

To authorize the redemption of lands of alien enemies, sequestered to the Confederate States, which have been or may be sold for taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any lands, tenements or hereditaments belonging to alien enemies and liable to sequestration, under the acts of Congress of the Confederate States, have been heretofore sold, or may hereafter be sold for non-payment of taxes, and the same shall afterwards be sequestered by decree of a competent court of the Confederate States, such lands may be redeemed, on behalf of the Confederate States, by any receiver appointed under said acts, and the time for making such redemption is hereby extended for two years from the passage of this act.

Receiver may redeem, and time extended

Approved December 3, 1863.

No. 89.] AN ACT

To provide for the issue and sale of State Bonds and for other purposes.

Act of 1862 re-
vived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the provisions of an act entitled "An act to authorize the issue and sale of State Bonds," approved December 9, 1862, be and the same are hereby re-enacted and continued in full force.

Appropriation.

SEC. 2. *Be it further enacted*, That the sum of one hundred thousand dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated and placed at the disposal of the Governor, for the purpose of carrying said act into effect, to be drawn from the treasury upon his warrant, as occasion may require.

Approved December 8, 1863.

No. 90.] AN ACT

Appropriating a sum of money to pay for the preparation of Treasury Note Change Bills.

Appropriation for
deficiency.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty-one thousand, seven hundred and three and 25-100 dollars be, and the same is hereby appropriated out of any money in the treasury, to cover the amount necessarily expended for carrying into effect the provisions of an "Act to authorize the issuance of Treasury Note Change Bills by the State of Alabama," approved the 8th of November, 1862, and of "An Act to amend an act to authorize the issuance of Treasury Note Change Bills by the State of Alabama," approved the 4th of December, 1862.

Approved December 5, 1863.

No. 91.] AN ACT

To make appropriations for the fiscal year ending on the 30th September, 1864.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the following sums of money be, and the same are hereby appropriated for the payment of salaries and other claims against the State for the fiscal year ending the 30th day of September, one thousand eight hundred and sixty-four, viz: To the Governor of the State, four thousand dollars; to the Secretary of State, sixteen hundred dollars; to the Comptroller of Public Accounts, two thousand four hundred dollars; to the State Treasurer, two thousand six hundred dollars; to the Superintendent of Education, two thousand dollars; to the Commissioner of Public Lands, two thousand five hundred dollars; to the draughtsman in the Land office, twelve hundred dollars; to the Supreme Court Judges, each, four thousand dollars; to the Supreme Court Reporter, twelve hundred dollars; to the Supreme Court Marshal and State Librarian, one thousand dollars; to the Circuit Court Judges, each, two thousand dollars; to the Solicitors, each, two hundred and fifty dollars; to the Chancellors, each, two thousand dollars; to the Attorney General, four hundred and twenty-five dollars; to the Clerk in the comptroller's office, one thousand dollars; to the Clerk in the treasurer's office, seven hundred and fifty dollars; to the Clerk in the secretary of State's office, five hundred dollars; to the Secretaries of the Governor, twenty-five hundred dollars; to the keeper of the State House, one hundred and fifty dollars; to the Quartermaster General, three hundred dollars; to the State Armorer, one hundred and fifty dollars; to the Adjutant and Inspector General, four dollars per day for each day he shall be engaged in the actual duties of his office, not to exceed two hundred dollars; to the principal Secretary of the Senate, and the principal Clerk of the House, each, ten dollars and fifty cents per day for each day of the session; to the assistant Secretary of the Senate and the assistant and engrossing Clerks of the House, each, nine dollars per day for each day of the session; to such additional assistant clerks as may be employed by the Senate and House, nine dollars per day, each, for the number of days so employed; to the door-keeper of the Senate and House, seven and a half dollars per day, each, for the session; to the Messenger of the House, two dollars and fifty cents per day, for the session; to pay contingent expenses in the office of superintendent of education, nine hundred dollars; to the principal Secretary of the Senate and the principal Clerk of the House, for completing the Journals of their respective houses, arranging and

Governor and
other State house
officers.

Judges.

Solicitors and At
torney General.

Clerks, &c.

Military officers.

Clerks, door-
keepers, &c.

Education
Contingents.

Secretaries and
Clerks.

Acts and Journals

filing away papers in proper order for the next session of the General Assembly, each, one hundred and fifty dollars ; to the Secretary of State, for copying the Journals of both houses, at the recent extra, and the present regular sessions, reading proof sheets and superintending the printing of the same, for placing marginal notes and preparing indexes to the laws and journals, and the distribution of the same, four hundred dollars.

Comptroller to draw.

SEC. 2. *Be it further enacted*, That the comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer in favor of the parties entitled thereto, for the several sums of money herein appropriated, at the time payable by law, on presentation of proper vouchers and receipts therefor.

Distribution of Laws.

SEC. 3. *Be it further enacted*, That the sum of fifteen hundred dollars is hereby appropriated to pay for the distribution of the laws and journals of the recent extra and present regular sessions of the General Assembly ; and the Comptroller of Public Accounts shall draw his warrant on the State Treasurer in favor of the several agents engaged in the distribution, upon their producing the Secretary of State's certificate that the sums charged are according to contract, and that the services have been performed.

Contingent fund

SEC. 4. *Be it further enacted*, That the sum of fifty thousand dollars be and the same is hereby set apart as a contingent fund to meet extraordinary expenses and contingencies, to be drawn on the warrant of the Governor.

Approved December 8, 1863.

No. 92.]

AN ACT

To repeal and amend an act entitled "An Act to increase the price of certain public lands."

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 3 of an Act entitled an "Act to increase the price of certain public lands belonging to the State of Alabama," be and the same is hereby repealed.

Mineral lands.
\$100 per acre.

SEC. 2. *Be it further enacted*, That hereafter, the Iron and Coal lands of said State shall not be entered or sold at a less price than one hundred dollars per acre.

Approved December 4, 1863.

No. 93.]

AN ACT

To authorize the Governor of this State to lease the public lands for certain purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of this State be, and he is hereby authorized and empowered to lease the public lands of this State to companies or persons engaged or who may desire to engage in the manufacture of Potash or Nitro, either under contract with or directly for the Nitro and Mining Bureau of the Confederate States Government, and also to lease for like purposes caves, mines and mineral deposits upon such terms as he may deem just and proper.

Governor may
lease for nitro
purposes

Approved November 23, 1863.

No. 94.]

AN ACT

To Contribute to the support of the indigent families of soldiers in the military service from the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of Three millions of dollars be and the same is hereby appropriated for the support of the indigent families of soldiers who are now in or may hereafter enter the military service of the Confederate States from the State of Alabama; or who may now or hereafter be in the military service of this State, to be distributed in equal amounts in the months of January, May and October of the year 1864, under the provisions of an act entitled "An act to provide for the support of the indigent families of soldiers in the army of the Confederate States from the State of Alabama," approved 12th November, 1862: *Provided*, That indigent families of substitutes be allowed equal participation in the distribution of the funds herein appropriated, except in cases where the substitute received more than fifteen hundred dollars for becoming a substitute.

Appropriation for
support.

Substitutes' fami-
lies included.

SEC. 2. *Be it further enacted*, That if any Judge of Probate, commissioners or agent employed in carrying

Penalty for using
funds by agents
&c.

out the provisions of this act, shall apply any of the funds or articles which may come into his hands to his own use, he shall be deemed guilty of embezzlement, and on conviction shall be punished as now provided by law for such offence.

Neglect or failure
by agent.

SEC. 3. *Be it further enacted*, That if any agent or officer who may be entrusted with the distribution of the funds appropriated for the benefit of the indigent families of soldiers, shall wilfully fail to make an equal and impartial application of the same, he shall be subject to indictment therefor, and on conviction shall be fined not less than one hundred nor more than five hundred dollars, and shall be imprisoned in the county jail not less than six months.

Families of de-
ceased and dis-
charged soldiers.

SEC. 4. *Be it further enacted*, That the indigent families of deceased soldiers and those discharged soldiers who are incapacitated for physical labor on account of wounds received or permanent diseases contracted in the service, be and the same are hereby made beneficiaries under this act.

Approved December 8, 1863.

No. 95.]

AN ACT

To amend "an act to contribute to the support of the families of soldiers in the military service from the State of Alabama," approved 29th August, 1863.

Instalments for
1863 consolida-
ted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the "Act to contribute to the support of the families of soldiers in the military service from the State of Alabama," approved the 29th of August, 1863, be, and the same is hereby so amended as to authorize the consolidation of the second and third instalments, for the months of November and December, of the one million of dollars appropriated by said act, and that the comptroller apportion the same to the several counties according to the number of families reported to his said office, and issue his warrant therefor, at any time after the approval of this act, to the probate judges of their respective counties, to be by them distributed as directed by the "Act to provide for the support of the indigent families of soldiers in the army of the Confederate

States from the State of Alabama," approved 12th November, 1862.

Approved November 28, 1863.

No. 96.] AN ACT

To give the carpets of the State of Alabama for the use of private soldiers from Alabama in the Confederate service.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That such of the carpets of the State of Alabama, in the State capitol, as can be beneficially used for blankets, are hereby given away for the use and comfort of the private soldiers from Alabama in the Confederate service, to be divided and distributed amongst them as the Governor of the State may direct.

Carpets donated to Alabama soldiers

Approved December 8, 1863.

No. 97.] AN ACT

To provide indigent families with Salt and Cotton Yarn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Courts of County Commissioners of this State shall have authority to engage in the manufacture of salt for the use of the indigent families of their counties, and that they shall have authority to buy or lease a furnace or furnaces, and so much land as may be necessary, to employ necessary agents, to hire hands, buy or hire wagons, teams, and to make any and all necessary contracts to carry on the business, and that they shall furnish the indigent families of their counties with salt so made, at a price not to exceed the cost of manufacture and expenses of delivery: *Provided,* That if at any time there shall be in the possession of the Commissioner's Court a surplus of salt over and above what may be necessary to supply such indigent families of their county, such salt may be sold by them at the market price for the use of the county: *And provided*

Counties may make salt, &c.

Provided: may sell surplus.

No toll to State.

further, that if such furnace or furnaces shall be located on the State lands no toll shall be paid to the State.

May buy yarns.

SEC. 2. *Be it further enacted*, That the Court of Commissioners shall have authority to purchase cotton yarns for the use of the indigent families of their counties, the yarn to be furnished to them at a price not exceeding cost and expenses.

When not entitled to State salt.

SEC. 3. *Be it further enacted*, That when any county so engages in the manufacture of salt, and shall make a surplus or sufficiency to supply their indigent families, they shall not be entitled to receive any from the State appropriations.

May use money and levy tax.

SEC. 4. *Be it further enacted*, That the Court of County Commissioners shall have authority to use any money in the county treasury for the purposes mentioned in this act, and if it is necessary may impose a special tax, not exceeding one hundred per cent. on the State tax, for the purpose of raising funds to carry out the provisions of this act.

Approved December 3, 1863.

No. 98.]

AN ACT

For the relief of indigent families of soldiers in the army of the Confederate States.

Compensation to agents for distribution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the agent of the Court of County Commissioners in the several counties in this State, appointed to distribute funds or provisions amongst the indigent families of soldiers in the army of the Confederate States, shall not be entitled to more than one per cent. on the amount of the cost of said provisions, or on the amount of funds so distributed.

Approved December 3, 1863.

No. 99.]

AN ACT

To provide for paying for medicines furnished to indigent families of soldiers from the State of Alabama, in the military or naval service of the Confederate States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That from and after the approval of this act, if any physician or surgeon shall, at the request of any member of an indigent family of a soldier in the military or naval service of the Confederate States, from this State, or any member of the indigent family of any deceased soldier from this State, furnish any necessary and proper drugs or medicines for the use of any member of such family at a price or charge not exceeding the market price or usual charge; and shall make affidavit that such drug or medicine was so furnished, and was necessary and proper, and that the price charged for the same does not exceed the market price, or usual charge, and shall make out his account accordingly, it shall be the duty of the court of county commissioners of the county in which the drug or medicine was so provided, to order the amount of such account to be paid out of the treasury of the county; and it shall be the duty of the county treasurer to pay it out of any county funds, not otherwise appropriated: *Provided, however*, that if said court shall be satisfied by other evidence, that the account is unjust, it shall not be allowed: *And provided further*, that this act shall not authorize any allowance for any prescription, or attendance, or medical advice of any such physician or surgeon.

County to pay
physicians for
medicine.

And as it

When court may
refuse.

Prescription, &c.,
not included.

Approved December 8, 1863.

No. 100.]

AN ACT

To authorize the use of funds appropriated for military and hospital purposes, to meet appropriations for the indigent families of soldiers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any unexpended funds heretofore appropriated for military or hospital purposes, may be used and paid out by the proper officers, for the purpose of meeting appropriations for the indigent families of soldiers from this State, until otherwise provided by law, any law to the contrary notwithstanding.

Approved December 3, 1863.

Military fund to
pay families of
soldiers.

No. 101.]

AN ACT

For the relief of persons rendered destitute by the seizure, waste or destruction of their means of subsistence by the public enemy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Court of County Commissioners within the counties of this State which have been, or which may hereafter be invaded by the armies of the United States during the existence of the present war, so soon as it shall become practicable, to hold a special session of their respective courts, under such rules as shall be prescribed by said courts, to ascertain the number of persons within their respective counties who have been rendered destitute by the seizure, waste or destruction of their means of subsistence either by the public enemy, or by the State or Confederate forces, and to report the same to the Comptroller, and the extent of the assistance needed for the support and maintenance of such persons: *Provided,* that no person shall be entitled to any benefit under this act who has not resided in this State continuously since the 1st day of May, 1861.

SEC. 2. *Be it further enacted,* That where, in any county, it may be found impracticable to hold such session of the Commissioners' Court, by reason of the presence of the enemy, it may be lawful for the judge of the Court of Probate thereof, to render to the Comptroller a report, founded upon the best evidences which he can obtain, of the amount of money actually needed by the destitute of his county, to prevent want and destitution, which report shall be received and acted upon as though it had been regularly made as provided by the other section of this act.

SEC. 3. *Be it further enacted,* That it shall be the duty of said Commissioners' Court to ascertain, if possible, whether or not such persons are loyal to the Confederate States; whether such persons have taken the oath of allegiance to the government of the United States, and under what circumstances, whether voluntarily or under duress, and report the same.

SEC. 4. *Be it further enacted,* That when any Court of County Commissioners, or Judge of Probate, shall make their report to the Comptroller, it shall be his duty to

Commissioners' Court to be held, &c.

Ascertain destitute families.

Report.

Provide.

When judge may report, &c.

To ascertain loyalty.

Comptroller's duty, &c.

report the same to the Governor, who shall determine what amount shall be applied to such counties out of the moneys hereinafter appropriated.

SEC. 5. *Be it further enacted*, That any person or persons who shall have voluntarily taken the oath of allegiance to the government of the United States, or who is disloyal to the Confederate government, or who has deserted from the Confederate army, or who has harbored deserters from said army, shall not be entitled to the benefits of this act. Disloyal not entitled.

SEC. 6. *Be it further enacted*, That the sum of five hundred thousand dollars be, and the same is hereby appropriated. Appropriation.

SEC. 7. *Be it further enacted*, That the sums of money so appropriated to each county under this act, shall be distributed by the Judges of Probate of their respective counties, in the same manner, and such officers shall be entitled to the same compensation and subject to the same pains and penalties for a misappropriation of the moneys, as is now provided by law, under an act entitled "An Act to provide for the support of the indigent families of soldiers," approved November 12th, 1862. Distribution of fund

Approved December 8, 1863.

No. 102.] AN ACT

To give the Governor power in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the staff officers of the Governor of the State of Alabama, whose appointments are now or may be hereafter provided for by law, shall hold their commissions subject to the discretion of the Governor, and may be dismissed at any time, when in his judgment the public service requires it to be done. Governor may dismiss staff.

Approved December 7, 1863.

No. 103.] AN ACT

To increase the efficiency of the Quartermaster's Department of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Office abolished. *convened*, That the office of Quartermaster General as provided for in the military code of the State of Alabama, be, and the same is hereby abolished, and that all the duties imposed upon that office by the laws of this State, shall be performed by the Quartermaster General provided for, in an ordinance "To provide for the military defence of the State of Alabama," adopted January 19th, 1861.

Duties to be performed by. SEC. 2. *Be it further enacted*, That the Quartermaster General shall be stationed at the capital of the State, and shall keep an office at that place for the transaction of all business pertaining to this department.

Office to be at Capitol. SEC. 3. *Be it further enacted*, That all appropriations made by the General Assembly for the purchase, manufacture or distribution of clothing and camp equipments of every description whatever, for the soldiers of this State, shall be expended under the supervision of the Quartermaster General, and it shall be his duty to see that all such appropriations are properly, economically, and in good faith applied to the purposes for which they are intended.

Clothing and equipments. SEC. 4. *Be it further enacted*, That the Quartermaster General shall be, and he is hereby charged with the distribution of all salt either manufactured or purchased by the State for the use of the people thereof, and for this purpose it is hereby made the duty of the State salt commissioner, and of all agents and contractors who may either make or purchase salt for the State of Alabama, to report to the Quartermaster General the amount so purchased or made, and to deliver the same to his order for distribution. And it is hereby made the duty of the Quartermaster General to perform all the acts which are now required by law to be performed by any other officer of the State in the distribution of salt.

Distribution of salt. Commissioner and agents to report. &c. SEC. 5. *Be it further enacted*, That all moneys which may be appropriated by the General Assembly for the purchase, manufacture or distribution of salt in this State shall be disbursed by the Quartermaster General, to the several agents who may be employed by the State in such purchase, manufacture or distribution.

To disburse salt funds. SEC. 6. *Be it further enacted*, That all matters connected with the support of indigent families of soldiers shall be devolved upon the Quartermaster's department, and it is hereby made the duty of the Quartermaster General to superintend the execution of all laws of the State providing for this purpose. And all duties which are now

Support of indigent families.

by law imposed upon any other officer of the State government at Montgomery, in carrying into effect the legislation of this State, for the support of the indigent families of soldiers, are hereby made obligatory upon the Quartermaster General.

SEC. 7. *Be it further enacted*, That all money expended by the Quartermaster General in the discharge of the duties herein required of him, shall be drawn from the treasury upon the warrant of the Quartermaster General, setting forth the fund from which it is to be paid, and the purpose to which it is to be applied.

Money how drawn.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Quartermaster General to submit annually to the Governor, by the first day of November, a complete report of the operation of his department during the year immediately preceding such report, showing the amount of all money received and disbursed in said department, and also exhibiting what has been done by said department in providing clothing for the soldiers, in furnishing salt, and making provisions for the support of the indigent families of soldiers.

Reports to be made.

SEC. 9. *Be it further enacted*, That the Quartermaster General be, and he is hereby authorized to employ a clerk, at a salary not to exceed two thousand dollars per annum.

May employ clerk.

SEC. 10. *Be it further enacted*, That all matters connected with the ordnance department, created by an ordinance "To provide for the military defence of the State of Alabama," adopted January 19th, 1861, and all the duties therein imposed on the ordnance officer therein mentioned, shall be performed by the Quartermaster General, in this act mentioned. That the salary of the Quartermaster General of this State shall hereafter be four thousand dollars per annum, and no more.

Ordnance.

Salary.

SEC. 11. *Be it further enacted*, That said Quartermaster General shall in all things be subject to the orders and under the command of the Governor of the State of Alabama.

Subject to order of Governor.

Approved December 8, 1863.

No. 104.]

AN AOT

To regulate the settlement of accounts in the military department of this State.

SECTION 1. *Be it enacted by the Senate and House of Rep-*

Officers to report
quarterly.

representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the several officers and agents in the military department of this State to report every three months, in writing, a full statement of all their respective operations for said period, stating the amount of cash on hand, and materials and stores of all kinds, and their situation.

To settle quarterly or oftener.

SEC. 2. *Be it further enacted*, That said agents and officers shall be required to settle with the military auditor for this State at the end of every three months, and oftener if required by the Governor, and pay over into the treasury of this State all cash balances in their hands, if required by the Governor, and on failure to comply with the provisions of this act, or any one of them, shall be liable to indictment, and on conviction shall be fined in such sum not exceeding five thousand dollars, as the jury trying the same may assess.

Penalty for failure.

Approved December 8, 1863.

No 105.]

AN ACT

To consolidate the unexpended fund of the Military Appropriation.

Military funds consolidated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of three million, six hundred and thirty-three thousand, one hundred and seventeen 27-100 dollars, being the unexpended balance of former appropriations for military purposes, be and is hereby placed to the credit of an account in the Auditor's office, to be known as the "Military Fund," and the Governor be and is hereby authorized to draw his warrant upon the Auditor, specifying in his warrant the purposes of said draft, and the amount to be charged either to the Quartermaster, Commissary, Ordnance, or Medical Department, as the occasion may require.

How drawn and charged.

Approved December 7, 1863.

No. 106.] AN ACT

To exempt certain persons therein named from military duty in the provisional army of the Confederate States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in accordance with the provisions of the fourth section of an act of the Confederate States Congress, entitled "An act to repeal certain clauses of an act entitled an act to exempt certain persons from military service," approved May 1st, 1863, the following State and county officers are hereby declared exempt from military duty in the provisional army of the Confederate States, to-wit: The reporter of the Supreme Court, assessors and collectors of State and county taxes, county commissioners, county treasurers, general administrators, where they have been in office for five years or upwards.

Exempt report-
er, assessors, col-
lectors, county
commissioners,
county treasur-
ers, general ad-
ministrators.

SEC. 2. *Be it further enacted*, That the Governor be, and he is hereby requested to communicate a copy of this act to the Secretary of War at Richmond.

Copy to Secretary
of War.

Approved December 5, 1863.

No. 107.] AN ACT

For the exemption of the officers of the Penitentiary from conscription.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the inspectors, warden, deputy warden, physician, clerk, turnkeys, and such number of overseers and guards, not to exceed in all twenty in number, be and the same are hereby exempted by this act from military service in the Confederate States.

Officers, &c., ex-
empt.

Approved December 8, 1863.

No 108.] AN ACT

In relation to Alabama Hospitals in Richmond.

SECTION 1. *Be it enacted by the Senate and House of Rep-*

Hospitals discontinued

representatives of the State of Alabama in General Assembly convened, That all acts for the establishment of Hospitals in Richmond, Virginia, for sick and wounded soldiers from this State, be and the same are hereby repealed, that said Hospitals be discontinued, and that all appropriations for carrying them on be withdrawn.

Disposition of property.

SEC. 2. *Be it further enacted*, That the Governor be, and he is hereby authorized to sell or otherwise dispose of the property belonging to the State connected with said Hospitals, and to withhold from sale any of said property which he may deem best to retain for the use of the State, or for present or future Hospitals, or humane purposes, and to do whatever shall be necessary to accomplish all or any of their objects.

Approved December 8th, 1863.

No. 109.] AN ACT

More fully to explain and carry into effect Joint Resolutions in relation to Alabama Volunteers, passed by the General Assembly of the State of Alabama, and approved November 5, 1862.

Preamble.

WHEREAS, It is desirable to preserve by proper record the names, organization, services and facts concerning Alabama troops, in their participation as Confederate soldiers in this great struggle for freedom, so that reliable reference may be had thereto, for the present benefit of relatives of those deceased, and the survivors hereafter, and the descendants of these brave men; as well as that such may be kept in the archives of the State, as a perpetual testimonial of the distinguished service these troops have rendered to her:—

Governor to appoint Superintendent of Army Records.

Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That section two of "Joint Resolutions in relation to the Alabama Volunteers," approved Nov. 5, 1862, be so explained and amended as to instruct the Governor of the State of Alabama to appoint a superintendent of Army Records, with the rank and pay of a Colonel of Artillery; whose duty it shall be to collect the names of all officers and soldiers from this State, who have been or may hereafter be mustered into the service of the Confederate States, and have them transcribed into suit-

Duties.

able books of record, designating the company and battalion or regiment to which each belonged, with his rank, age, description, place, date and term of enlistment, residence, occupation, time of actual service, and when, where, and how such service terminated; and, with reference to soldiers who have died or been killed in such service, to ascertain and state in suitable form, as accurately as possible, the account of such deceased soldiers for pay, clothing, &c., with the Confederate government, to the end that their representatives may have information thereof, to the obtaining of the balance due, without cost, noting also, such as may be wounded, and when and where, and such incidents of gallantry as may cause any to be specially distinguished; and keeping such transcript as far as possible, separately for each regiment, battalion or independent company, and compiling the same alphabetically in the order of companies for each command, and with separate references as to organization, marches, battles and incidents, as may be necessary to furnish history general and special as complete as can be obtained. And such records shall be finally perfected by such amplifications and tabular statements in recapitulation as the Governor may direct. And said superintendent shall be allowed such assistance in the performance of the duties of his office, and such remuneration for expenses and labor therein, as the Governor may authorize. *Provided*, that the office herein created shall be discontinued at any time at the discretion of the Governor, and the records and business thereof transferred to the office of the Secretary of State.

Record.

Accounts of deceased soldiers.

Wounded and distinguished.

Alphabetical order of Record.

Assistants allowed.

Remuneration.

Discontinuance, &c.

Approved December 7, 1863.

No 110.] AN ACT

For the relief of the families of soldiers who have died in the military service of the Confederate States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*, convened, That the Governor of the State be, and he is hereby authorized to appoint an agent, whose duty it shall be to collect and settle all claims for pay, bounty, or commutation money, that may be due by the Confederate States to any soldiers from the State of Alabama,

Agent to be appointed.

Duties.

who may have died, or who may hereafter die in the military service of the Confederate States during the present war: *Provided*, the Governor shall have power to remove and discontinue said agent.

To settle claims. SEC. 2. *Be it further enacted*, That the said agent shall be required, under such rules as the Governor of the State may prescribe, to settle and adjust the claims and accounts of all such deceased soldiers from this State as may be entrusted to his charge, collecting therefor scrip from the Confederate Government, payable to the parties entitled thereto, and to transmit the same to such parties as are authorized by law to receive the same, without charge to such persons.

Bond. SEC. 3. *Be it further enacted*, That said agent shall be required to give bond for the faithful performance of his duties, if in the opinion of the Governor such bond shall be deemed necessary, in such form as the Governor of the State may require.

Pay. SEC. 4. *Be it further enacted*, That the Governor is hereby authorized to pay said agent such compensation as he shall deem just and reasonable, not to exceed the sum of three thousand dollars, which shall be paid by his warrant on the Treasury of the State.

Approved December 8, 1863.

No. 111.]

AN ACT

To provide for the military defence of the State of Alabama.

Appropriation. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of fifteen hundred thousand dollars be, and the same is hereby placed at the disposal of the Governor, to be used and expended under his direction, and paid out upon his warrants, for the military defence of the State, if necessary, in such manner as he shall deem best for the good of the State.

Bonds may issue. SEC. 2. *Be it further enacted*, That if the sum hereby appropriated shall not be in the treasury when necessary to be used, the Governor may supply the deficiency by the sale of State Bonds, bearing interest at the rate of six per cent. per annum, having twenty years to run, and renewable at the pleasure of the State, which bonds

shall have coupons for interest attached, payable semi-annually in such funds as may be current at the time of their maturity.

SEC. 3. *Be it further enacted*, That all coupons of bonds issued under the provisions of this act shall be received in payment of all taxes and public dues of every description, and for all corporate and county taxes levied or assessed after the passage of this act, except the tax on gold or silver, sterling exchange and bank notes. Coupons receivable for public dues, &c.

SEC. 4. *Be it further enacted*, That if any person or persons shall forge or falsely alter any bond or coupon issued by virtue of this act, or shall alter or attempt to pass any forged or altered bond or coupon purporting to be issued in pursuance of this act, knowing such bond or coupon to have been forged or altered, such person shall be guilty of forgery in the first degree, and shall suffer the pains and penalties now affixed by law for forgery in the first degree. Penalty for forging of Bonds.

SEC. 5. *Be it further enacted*, That the Governor is authorized to pay the person or persons employed by him to sign and number coupons, and to number, date and fill up the same, such compensation as he shall deem just, either by the day or by the thousand numbers and signatures. Compensation for preparing.

Approved December 7, 1863.

No. 112.]

AN ACT

To amend an act entitled "An Act to re-organize the Militia of the State of Alabama," approved August 29th, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever the State militia, or any part of the same, is called into the active service of the State, that the Governor may, at his discretion, organize the militia, so called into active service, into companies, battalions, regiments, brigades and divisions; the Generals of said brigades and divisions to be appointed by the Governor, and the commissioned officers of said companies, battalions and regiments, to be elected by said respective commands, upon such notice and under such rules and regulations as the Governor may prescribe; Governor may organize. Officers, how appointed, &c.

the organization in other respects to conform to that of the Provisional Army of the Confederate States.

Requisition of
President, how
supplied.

SEC. 2. *Be it further enacted*, That any requisition which has been or may hereafter be made by the President upon the State militia, for Confederate service, shall be supplied by the Governor by draft or otherwise, as he may direct, from all or any part of such militia at his discretion, according to the exigencies to be met, the number of troops required and the term of service, and in case of a draft the same shall be made and enforced under such rules and regulations as he may prescribe; and he shall designate the time and places at which the drafted men shall rendezvous; to cause defaulters, failing to appear after reasonable notice, to be published and arrested and punished as deserters, according to the rules of the military law; to organize the drafted men into companies, battalions and regiments, brigades and divisions, as provided by the first section of this act, and to furnish subsistence and transportation to the places of rendezvous.

Draft.

Defaulters.

How organized.

Organization to
continue.

SEC. 3. *Be it further enacted*, That the organization as provided by this act shall continue no longer than the State militia shall continue in active service.

Rank of officers.

SEC. 4. *Be it further enacted*, That the relative rank of officers of the same grade, elected on the same day, shall be decided by lot, under the direction of the Governor, and that the rank of officers appointed shall be decided by the order of their appointment.

Approved December 4, 1863.

No. 113.]

AN ACT

To amend an "act declaring who shall be exempt from militia duty in this State," approved August 29th, 1863.

Repeals Sec. 2,
&c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Section 2 of an act declaring who shall be exempt from militia duty in this State, approved August 29th, 1863, be, and the same is hereby repealed.

Salt makers.

SEC. 2. *Be it further enacted*, That any person liable to service in the militia of this State, who shall make as much as ten bushels of salt per day on his individual account, or on a partnership account in which said per-

son is concerned, and shall sell the same for Confederate or State treasury notes to the Governor of the State for the use of the people thereof, at a price not exceeding fifteen dollars per bushel, and deliver the salt in such quantities and at such places as the Governor may direct, shall be exempt from such service. *Provided*, but one person making salt for a company or partnership in which he is concerned shall be exempt under this act. *And provided further*, that salt manufactured within the limits of this State shall be delivered at the works where made.

SEC. 3. *Be it further enacted*, That Section 1 of said act be amended as follows: 1st, Strike out the words "and no exemption in any case can be made except for State or public purposes," where they occur in lines 54 and 55 thereof, and insert in lieu thereof the words "when he thinks the public good will be promoted by such exemption." 2nd, Insert the words "and wagon maker and tanners," *Provided*, they have been engaged exclusively in that business for three years next preceding the commencement of the war, and will not sell leather for more than one hundred per cent. on the cost of the raw material. After the words "blacksmith" in the 22nd line thereof, and the words "and negro wagon maker" after the words "negro smith" in the same line. 3d, After the words "blacksmith" in the 24th line of said section insert the words "and wagon maker."

Exempts wagon makers and tanners, and for public good by Governor.

Approved December 7th, 1863.

No. 114.]

AN ACT

In relation to the Exemption of Firemen from militia duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That no Fireman shall be exempt from militia duty under the existing laws of this State, unless he belongs to some lawful military organization and duly performs his duties as a member of such organization.

Firemen exempt when.

Approved December 7, 1863.

No. 115.]

AN ACT

To amend an act therein named.

Firemen of Tuscaloosa exempt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Section 1 of "an act entitled an act declaring who shall be exempt from militia duty in this State," approved August 29th, 1863, be so amended as to insert the word "Tuscaloosa" after the word "Montgomery," where it occurs in said section.

Approved December 3, 1863.

No. 116.]

AN ACT

To suppress more effectually the Distillation of Grain.

Governor to certify licensed distillers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Governor of this State on the first day of January next, and also at the beginning of each and every month thereafter, to certify to the Commandant of the Home Reserves of each county in this State, a list of the names of all persons authorized, under contract made, to distill grain under the provisions of an act passed and approved on the 8th day of December, 1862, entitled "An Act to prohibit the distillation of grain in the State of Alabama, except under the direction and authority of the Governor."

Duty of Commandant.

SEC. 2. *Be it further enacted,* That upon the receipt of such list by the County Commandant, he shall proceed to satisfy himself whether any person or persons within the limits of his county, whose name does not appear on such list, are engaged, either in person or through the agency or assistance of any other person or slave, in the distillation of grain into ardent spirits, contrary to law; he shall be authorized, and it is hereby made his duty, to make affidavit before the Judge of Probate, or any Justice of the Peace of his county, that, on information and belief, such person is engaged in distilling grain into ardent spirits contrary to law, and thereupon it shall be the duty of such Judge of Probate to issue his warrant directing the said County Commandant to arrest such

To make oath.

Judge to issue warrant to arrest and seize still.

Approved December 7, 1863.

No. 117.]

AN ACT

To authorize the Governor of the State of Alabama to suspend the right of licensed retailers of spirituous liquors to retail or sell spirituous liquors within ten miles of any military encampment in said State, whenever he may think the public good requires it.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of said State be, and he is hereby authorized to suspend the right of any licensed retailer of spirituous liquors within ten miles of any military encampment in said State, whenever he may think the public good requires it; *Provided,* the provisions of this act shall not apply to licenses heretofore granted.

Approved November 17, 1863.

No. 118.]

AN ACT

To amend the 3rd section of an act entitled "an act to enable the people of Alabama to procure necessary supplies of salt at reasonable prices, and for other purposes, approved December 9th, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of the above recited act, be, and the same is hereby amended by adding the following words thereto: "In case the commissioner appointed under this section should be removed or should die, the Governor shall appoint another, and may remove and appoint whenever in his opinion the public good requires it, and shall fill the vacancy whenever one occurs for any cause.

SEC. 2. *Be it further enacted,* That the 6th section of said act be and the same is hereby amended by adding the following words thereto: "and may at any time sell any portion of the personal property used in the production of salt, if in his judgment it would be for the interest of the State; *Provided,* that the commissioner or commissioners and other agents appointed by the Governor under this act shall receive the amount of their

License suspended.

Proviso.

Power of Governor to remove and appoint Commissioner.

Governor may sell personal property.

pay or salaries in Confederate or State Treasury notes—
at the option of the State Treasurer of the State."

Pay of Commis-
sioners, how
made.

Approved December 8th, 1863.

No. 119.]

AN ACT

For the protection of Artesian Salt Wells of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any person or persons shall wilfully or maliciously obstruct any of the Artesian Salt Wells in the State, by throwing in said wells pieces of iron, wood or any other substance, or in any other manner, shall, on conviction thereof, be fined in a sum not less than one thousand dollars.

Penalty for ob-
structing.

Approved November 28th, 1863.

No. 120.]

AN ACT

To repeal in part "An Act to regulate the sale and exportation of Corn," approved December 8th, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, corn and all other articles of provisions may be transported to the city of Mobile by rail, road or otherwise, and sold free from all restrictions whatever.

No restriction on
provisions sent to
Mobile.

SEC. 2. *Be it further enacted,* That nothing contained in the act mentioned in the title of this act, shall be construed to include or embrace any case where a person who may have purchased from another a plantation or farm, may have also purchased or may purchase the corn or other grain on such plantation or farm, in good faith, and without intent to evade the said act, and corn and other grain so purchased shall not be subject to the provisions of said act.

Bona fide pur-
chaser of farm
not subject.

1863.

102

Repeal.

SEC. 3. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 8, 1863.

No. 121.]

AN ACT

To continue the office of Commissioner and Trustee, and to provide for the payment of the foreign debt of the State.

Office of Commissioner continued

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Whiting be, and he is hereby continued in the office of Commissioner and Trustee to settle any remaining business of the State Bank and branches and to provide for the foreign debt of the State and the interest thereon, with the same powers as heretofore conferred upon him by law. *Provided*, he shall give bond and security as heretofore provided by law for the faithful discharge of his duties. *And provided further*, that this act shall remain in full force until otherwise directed by the General Assembly; and that the compensation of said Commissioner shall be one thousand dollars per annum until changed by the General Assembly.

Bond.

Pay.

Authority to use funds.

SEC. 2. *Be it further enacted*, That the said Commissioner be, and he is hereby authorized to use in the Treasury, coin, bank note, or any other currency notes, in paying off the interest on the foreign debt, and should it be found necessary to raise coin to pay the interest due on the State, payable in London, on the 1st of July, 1864, and on the 1st of January, 1865, to the sum of eighty thousand three hundred and thirteen dollars and thirteen cents. The said Commissioner and Trustee be, and he is hereby authorized to borrow any one or more of the Banks of this State, or any person or persons, in coin, the amount required to pay said amount, or any part thereof, so due as aforesaid in June, July, and January, and to eighty thousand three hundred and seventy dollars and thirteen cents, at a rate of interest not exceeding five per centum per annum, to be paid in coin.

May borrow.

SEC. 3. *Be it further enacted*, That the Governor be, and he is hereby required to have issued and delivered to said Commissioner and Trustee, such a bond or bonds of the State, with interest at the rate of five per centum per annum, as may be required to carry out the provisions of this act, said bond or bonds to be issued in the same manner and under the same restrictions, as is now required by law in the issuance of bonds of this State.

Bonds may issue.

Approved December 8, 1863.

No. 122.]

AN ACT

To authorize the destruction of mutilated Treasury Note Change Bills of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the mutilated Change Bills now in the State Treasury, and also those which may be hereafter received, shall be destroyed by burning as hereinafter directed.

Change bills to be destroyed

SEC. 2. *Be it further enacted*, That it shall be the duty of the State Treasurer from time to time to cause the said Change Bills to be registered by their denominations in a book to be provided for that purpose, and after the same shall be registered, it shall be his duty to burn said bills in the presence of the Governor, Secretary of State and Comptroller of Public Accounts, or either of them, who must certify to the burning of the same in the book in which the said bills are registered, and the Comptroller of Public Accounts is hereby authorized to draw a special warrant in favor of the said Treasurer for the amount of said bills to be burned as aforesaid, which said warrant shall be entered as a credit to the Treasurer on the books of the Comptroller's office.

Treasurer to register

To burn bills

Special warrant

SEC. 3. *Be it further enacted*, That for registering said bills the Treasurer shall be allowed such reasonable compensation as the Governor may order, and the Comptroller shall on such order draw his warrant on the Treasurer for the same.

Compensation for register

Approved November 25, 1863.

No. 123.]

AN ACT

For the distribution of the Educational Fund.

Superintendent to
draw for counties
not reporting.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Superintendent of Education is hereby authorized, in declaring a dividend of the educational fund, to allow to counties from which returns of the number of children therein have not been made, in consequence of their occupation by the public enemy, a proportion of such funds, basing his allowance upon the returns last made to his office.

How drawn when
collector fails to
collect.

SEC. 2. *Be it further enacted,* That, where in any county the tax collector thereof has failed or been unable, by reason of its occupation by the public enemy, to collect the taxes due therein and to pay to the County Superintendent the dividend of the educational fund which has been or may hereafter be declared due to each county, the County Superintendent of such county may draw his warrant on the State Superintendent, who shall draw his warrant on the Comptroller, who shall draw his warrant on the Treasurer in favor of such County Superintendent for the amount due such county from the educational fund.

Duration of act.

SEC. 3. *Be it further enacted,* That this act shall continue in force during the war.

Approved December 7, 1863.

No. 124.]

AN ACT

To amend "an act to establish an institution for the Deaf and Dumb," approved January 27th, 1860.

Appropriation in-
creased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the 7th line of the 7th section of said act strike out "five," where it occurs and insert "eight."

Approved December 8, 1863.

No. 125.] AN ACT

To provide for Insane convicts sent from the Penitentiary to the Alabama Insane Hospital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the expenses already incurred, and which may hereafter accrue in the support of insane convicts who have been and may hereafter be sent from the Penitentiary to the Alabama Insane Hospital, shall be paid by the State on the drafts of the Treasurer of the said Hospital, endorsed by the President of the Trustees, drawn quarterly on the Comptroller of Public Accounts, who shall issue his warrant therefor on the State Treasurer in favor of the Treasurer of the Hospital.

Support of convicts how paid.

SEC. 2. *Be it further enacted,* That all other acts in conflict with this act be, and the same are hereby repealed.

Repeal.

Approved December 3, 1863.

No. 126.] AN ACT

To provide for the location, partition and allotment of lands held in common by two or more Railroad Companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when two or more Railroad Companies hold or are entitled in common to any lands in this State under or by virtue of any act of the Congress of the United States of America, any act of the General Assembly of the State of Alabama, or any ordinance of the Convention of the State of Alabama, and the same cannot be located, partitioned, and allotted by mutual agreement and arrangement between the several Railroad Companies interested, then and in that case each company interested shall choose one commissioner, who shall not be a stockholder or officer in the company for which he is chosen; and the commissioners thus chosen shall proceed with all reasonable despatch to locate and partition the lands thus held in common, allotting to each company the lands set apart to it, as far as practicable,

Proceedings for partition.

Commissioners selected

To locate and partition.

Allotments by
quantity and
quality.

by legal sub-divisions, which allotments shall, as near as may be, be equal in quantity, quality and value; and in the ascertainment of value due regard shall be had not only to soil, timber, water privileges, mineral deposits and locality, but to all other circumstances that should properly enter into an estimate of value.

Locality.

SEC. 2. *Be it further enacted*, That to insure more perfect uniformity, equality and justice, the allotments shall be distributed as uniformly and generally as practicable, so as to give to each company an equal quantity in every locality.

On failure to ap-
point, Governor
appoints.

SEC. 3. *Be it further enacted*, That if any company, interested in common with any other company or companies in lands in this State, shall, after reasonable notice, refuse or fail to appoint a commissioner, as by this act provided, the Governor of the State shall appoint a commissioner to act for the company so failing or refusing, whose acts shall be as binding on all parties concerned as though he was appointed by the company he represents. No commissioner shall have any authority or participation in the location, partition, or allotments of land beyond the limits within which the company he represents is interested. And in event of any disagreement between the commissioners, they shall choose an umpire, whose decision shall be final.

Limit of jurisdic-
tion.

Umpire.

Location to be
certified to Land
Office.

SEC. 4. *Be it further enacted*, That all locations, partitions and allotments, made under the provisions of this act, shall be certified to under oath by the commissioners making the same, and returned to the Commissioner of Public Lands, who shall cause the same to be entered upon the maps and books of his office; and shall give to the companies all necessary certificates of the same; and shall issue a patent or patents, as may be desired, to the company entitled.

Patents.

Commissioners
how paid.

SEC. 5. *Be it further enacted*, That each company shall pay its own commissioner, and in case an umpire is called in he shall be paid by the companies interested.

Approved December 5, 1863.

No. 127.]

AN ACT

To require Railroad Companies to keep lights and water in their trains.

SECTION 1. *Be it enacted by the Senate and House of Rep-*

representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, all Railroad Companies in this State shall be required to keep good lights on their night trains and a sufficiency of good drinking water at all times; and every conductor on any train who shall violate this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred and not more than five hundred dollars, at the discretion of the jury trying the case.

Must keep lights and water.

Conductor liable.

Penalty.

Approved December 8, 1863.

No. 128.]

AN ACT

To repeal an act entitled "an act to direct the binding of certain copies of the Acts of the General Assembly," approved February 15th, 1854.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That "an act to direct the binding of certain copies of the Acts of the General Assembly," approved February 15th, 1854, be and the same is hereby repealed.

Act repealed.

Approved December 8, 1863.

No. 129.]

AN ACT

To compensate the Doorkeepers for money paid out and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eighteen dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to William McCullough, Doorkeeper of the Senate at the present session.

To William McCullough.

SEC. 2. *Be it further enacted,* That the sum of ten dollars each be and the same is hereby appropriated to the Doorkeepers of the Senate and House of Representatives for collecting the Stationery, Inkstands, &c., from the rooms of the members and delivery of the same to the Secretary of State.

To door-keepers.

Approved December 8, 1863.

No. 130.]

AN ACT

For the relief of guardians and to secure the estates of their wards.

May invest in
real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That guardians of minors and persons non compos mentis, may invest the money of their wards in real estate situated in any part of the State; and the guardians acting in good faith shall not be individually responsible for a depreciation in value of the land purchased with the funds of his ward where such depreciation may result from causes which cannot be prevented by the guardian.

To whom the title
and control.

SEC. 2. *Be it further enacted,* That the real estate purchased by the guardian with the funds of his ward, shall be conveyed to the ward and his heirs, but shall be managed and controlled by the guardian for the benefit of the ward, and the guardian shall render annual accounts of the rents and profits of the lands to the court having jurisdiction of the guardianship.

Guardian liable
for defect in title.

SEC. 3. *Be it further enacted,* That the guardian shall be liable to the ward for any loss sustained by the ward by the failure or defect of title to the land purchased by the guardian for the ward.

Approved December 7, 1863.

No. 131.]

AN ACT

To amend "An Act to provide for the election of State Printer," approved February 8th, 1858.

Act of 1858
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An Act to provide for the election of State Printer," approved February 8th, 1858, be amended by striking out the second section of said act, and inserting in lieu thereof, "that the General Assembly shall, within three days after its commencement or any time thereafter during its regular session, every two years, elect a State Printer to serve for two years."

When printer to
elected.

Approved November 25, 1863.

No. 132.]

AN ACT

In relation to the Alabama State Tract Books.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the books known as the Alabama "State Tract Books," together with all the papers belonging thereto and connected therewith, now in the office of the Comptroller of Public Accounts, be and the same are hereby transferred to the office of Commissioner of Public Lands for the State of Alabama, and that they be kept therein as a part of the records pertaining to said office.

Tract books transferred to Commissioner of Public Lands.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Commissioner of Public Lands to enter in said Tracts a description of all the lands sold (and not already so entered) up to the first day of October, 1863, and thereafter up to the first of October in each and every year, as now required by the Comptroller. He must also make out and furnish each Probate Judge by the first day of January in each year thereafter, a register or statement showing all the land so sold in the county of such Judge of Probate and not embraced in any register or statement previously furnished.

Lands sold to be entered in book.

Register for Judge of Probate.

SEC. 3. *Be it further enacted,* That the Probate Judges must by the first day of March in each year, transfer such entries into the Tract Book in their respective offices and furnish copies thereof to the Tax Assessors of their respective counties, who must see that each tract is properly assessed, unless exempt by law from taxation.

Judges to enter and furnish copy to Assessor.

SEC. 4. *Be it further enacted,* That for making out the registers or statements for the different counties, the Commissioner of Public Lands is authorized to employ a person at not exceeding thirty cents a page for each page of ordinary foolscap paper, to be paid by the warrant of the Comptroller on the State Treasurer, in favor of the person so employed, upon the certificate of said Commissioner of Public Lands, stating that the services have been correctly performed according to contract, and specifying the amount due therefor.

Pay for copies.

SEC. 5. *Be it further enacted,* That sections 434, 435, 436, 437, 438 and 439 of the Code be and the same are hereby repealed.

Sections of Code repealed.

Approved December 4, 1863.

No. 133.]

AN ACT

To amend the law in relation to the printing and publication of the Reports of the decisions of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judges of the Supreme Court, or a majority of them, be, and they are hereby authorized to contract for the printing and publication of the Reports of the decisions of said Court, on such terms, and in such manner as, in their discretion, they may deem most expedient and most conducive to the public interest, and to draw their warrant on the Comptroller of Public Accounts, in favor of the person or persons with whom such contract or contracts may be made, for the amount of compensation fixed and agreed on in such contract.

Judges may contract at discretion.

SEC. 2. *Be it further enacted,* That the said Judges be, and they are hereby also authorized to select the cases for publication, and to determine the order in which they shall be published; *Provided,* that all opinions not published shall be preserved and published after the termination of the present war.

May select cases.

Provido,

Approved November 27, 1863.

No. 134.]

AN ACT

To provide water for the State Penitentiary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Inspectors and Warden of the Penitentiary be and they are hereby authorized to make such arrangements or contracts as may be by them deemed necessary to supply the State Penitentiary with a permanent supply of good and wholesome water for the prisoners and works therein.

Inspectors and Warden may contract for water.

SEC. 2. *Be it further enacted,* That any contract entered into by them for this purpose shall be first submitted to the Governor for his approval, and without such approval shall be null and void.

Governor to approve.

Approved December 3, 1863.

No. 135.] AN ACT

To ratify and confirm the agreement of the Governor of Alabama in manufacturing cotton and wool cards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the agreement entered into by John Gill Shorter, Governor of the State of Alabama, on the one part, and James M. Keep on the other part, on the 18th day of March, 1863, in relation to the manufacturing of cotton and wool cards, be and the same is hereby ratified and confirmed. Contract ratified.

SEC. 2. *Be it further enacted*, That the Comptroller be and he is hereby authorized to draw his warrant in favor of the Governor of the State of Alabama for the sum of twenty-five (\$25,000) thousand dollars out of any money in the treasury not otherwise appropriated, for the purpose of carrying out said contract. Appropriation.

Approved December 5, 1863.

No. 136.] AN ACT

Making an appropriation for pay of members and officers of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of seventy-five thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated for pay of members and officers of the present General Assembly. Appropriation.

Approved November 25, 1863.

No. 137.] AN ACT

To pay for the hire of servants for the present session of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

\$250 appropriated
for hire.

convened, That the sum of two hundred and fifty dollars be and the same is appropriated to pay for servant hire for the present session of the General Assembly, and that the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer in favor of the Secretary of State for that sum, or so much thereof as may be necessary for the purpose stated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved December 4, 1863.

No. 138.] AN ACT

To provide for repairs on the State Capitol.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whereas the roof of the Capitol is in a leaking condition and in want of immediate repairs; that the sum of one thousand dollars be and the same is hereby appropriated for repairs on the State Capitol.

Approved November 25, 1863.

Appropriated
\$1000.

No. 139.] AN ACT

To pay the expenses of the Inauguration of His Excellency Thomas H. Watts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of five hundred dollars, be and the same is hereby appropriated to pay the expenses of the inauguration of his Excellency Thomas H. Watts, and that the Comptroller draw his warrant on the Treasurer for that amount in favor of W. H. Ogbourne, to be paid out of any funds in the Treasury not otherwise appropriated.

Approved December 7, 1863.

Appropriates
\$500

No. 140.]

AN ACT

To compensate A. B. Clitherall as Ordnance officer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Clitherall is hereby entitled to demand and receive pay for his said services at the rate of two thousand dollars per annum from the date of his said appointment until an officer appointed for that purpose shall take charge of said appointment; and that the Comptroller draw his warrant on the Treasurer in favor of said Clitherall for the sum so found to be due under this act, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved December 8, 1863.

Allows pay for services.

No. 141.]

AN ACT

For the benefit of the Military Aid Society of Mobile, and for other Societies therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated and placed at the disposal of the Governor of this State for the benefit of the Military Aid Society of Mobile, to be paid over, from time to time, to such officer or agent of said Society as may be authorized to receive it, to be expended as said Society may deem best for the relief of the sick and wounded soldiers in Mobile.

Aid Society of Mobile.

SEC. 2. *Be it further enacted,* That the sum of ten thousand dollars be and the same is hereby appropriated for the benefit of the Soldiers' Home Society, and Soldiers' Wayside Home, in the city of Montgomery; said sum to be equally divided between said Societies, and the same be placed under the control of the Governor, to be paid over from time to time to such officer or officers, agent or agents of said Societies, as may be authorized to receive it, and to be expended for the relief of the sick and wounded soldiers in the city of Montgomery; and the sum of ten thousand dollars is also appropriated,

Montgomery Home Societies.

Selma Aid and
Hospital.

to be equally divided between the Ladies' Military Aid Society and the Wayside Hospital of Selma, under the same regulations as hereinbefore provided.

Humane Society
Huntsville.

SEC. 3. *Be it further enacted*, That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the benefit of the Ladies' Humane Society in the city of Huntsville, and that the same be placed under the control of the Governor, to be paid over, from time to time, to such officer or agent of said Society as may be authorized to receive it, to be expended for the relief of the sick and wounded soldiers in Huntsville.

How drawn.

SEC. 4. *Be it further enacted*, That the Governor is hereby authorized to draw his warrant on the Auditor of the Treasury for all or any portion of the money appropriated by this act, to be paid as directed by clause 3, section 3, of an act entitled "An Act making appropriations for the military defence of the State," approved 6th February, 1861; and the Governor shall cause a statement or statements to be submitted to the next General Assembly of the amount and manner of expenditure, and shall require vouchers to be taken for all expenditures, when practicable. *Provided*, the Governor shall have the right to appoint a resident agent or visitor, if he thinks proper, on behalf of the State for each of said institutions, whose duty it shall be to aid in applying the funds hereby appropriated, in a manner best calculated to carry out the objects of the several Societies: said visitor must report to the Governor at such times as the Governor shall direct.

Statement and
vouchers for ex-
penditures.

Governor may ap-
point agent

Approved December 8, 1863.

No. 142.] AN ACT

To amend "An Act in relation to the support of indigent families of soldiers," approved August 29th, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That sixteen thousand seven hundred and thirty-seven dollars and sixty-six cents, due the county of Marshall for the November and December installments under said act, is hereby appropriated out of the Treasury, and the Comptroller is hereby required forthwith

Fund for Mar-
shall county how
drawn.

to draw his warrant for the same on the Treasurer in favor of the Judge of Probate for Marshall county, to be distributed by said Judge as said act No. 5 directs.

Approved November 14, 1863.

No. 143.] AN ACT

To amend "An Act in relation to the support of indigent families of soldiers," approved August 29th, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That fourteen thousand nine hundred and fifty-eight dollars and thirty cents, due the county of St. Clair, for the November and December installments under this act, is hereby appropriated out of the Treasury, and the Comptroller is hereby required forthwith to draw his warrant for the same on the Treasurer in favor of the Judge of Probate for St. Clair county, to be distributed by said Judge as said act No. 5 directs.

Fund for St. Clair
how drawn.

Approved November 19, 1863.

No. 144.] AN ACT

To amend "An Act in relation to the support of indigent families of soldiers," approved August 29th, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eleven thousand nine hundred and fifty-four dollars and seventy-one cents, due the county of DeKalb for the November and December installments, under said act, is hereby appropriated out of the Treasury, and the Comptroller is hereby required forthwith to draw his warrant for the same on the Treasurer in favor of the Judge of Probate for DeKalb county to be distributed by said Judge as said act now directs.

Judge of De Kalb
may draw.

SEC. 2. *Be it further enacted,* That the Comptroller of the State be authorized to draw his warrant upon the Treasurer for the amount allowed by said act, payable to G. W. Malone, for the purpose indicated by said act.

Approved November 25, 1863.

No. 145.]

AN ACT

To amend "An Act in relation to the support of indigent families of soldiers," approved August 29th, 1863.

Fund for Jackson
county how
drawn

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twenty thousand, seven hundred and twenty-three dollars and five cents, due the county of Jackson for the October, November and December installments under said act, is hereby appropriated out of any money in the treasury; and the Comptroller is hereby required to draw his warrant for the same on the Treasurer in favor of F. Rice and William H. Robinson, or either of them, for the Probate Judge of said county, to be distributed by said Probate Judge as the said act directs.

Approved November 27, 1863.

No. 146.]

AN ACT

To amend the "Act in relation to the support of indigent families of soldiers, &c.," approved the 29th of August, 1863.

Fund for Madison
how drawn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of nine thousand nine hundred and three dollars and sixty-five cents, due the county of Madison for the November and December installments under said act, is hereby appropriated out of any money in the Treasury, and the Comptroller is hereby required to draw his warrant on the State Treasurer therefor, in favor of F. L. Hammond, Joseph C. Bradley, and J. W. Scruggs, or either of them, for the Judge of Probate of said county, to be by him distributed as directed by the said act, to which this is an amendment.

Fund for Fayette.

SEC. 2. *Be it further enacted,* That the sum of sixteen thousand, six hundred and twenty dollars and forty-three cents, due the county of Fayette for the November and December installments under said act, is also appropriated from any money in the Treasury, and the Comptroller will draw his warrant on the State Treasurer therefor, in favor of Alexander Cobb, for the Probate Judge

of said county, to be by him distributed as directed by the said act of August 29, 1863.

SEC. 3. *Be it further enacted*, That the sum of fifteen thousand, one hundred and thirty-five dollars and twenty-five cents, due the county of Morgan for the October, November, and December installments under said act, is also appropriated from any money in the Treasury, and the Comptroller will draw his warrant on the State Treasurer therefor, in favor of George P. Charlton, for the Probate Judge of said county, to be by him distributed as directed by the said act of August 29, 1863. Fund for Morgan.

SEC. 4. *Be it further enacted*, That the sum of twenty-seven thousand, nine hundred and forty-four dollars and ninety cents, due the county of Franklin for the August, October, November, and December installments, under the acts of November 12, 1862, and 29th of August, 1863, is also appropriated from any money in the Treasury, and the Comptroller is required to draw his warrant on the State Treasurer therefor, in favor of Anderson Orr and A. W. Ligon, or either of them, for the Probate Judge of said county, to be by him distributed as directed by the said acts of 12th November, 1862, and 29th August, 1863. Fund for Franklin

SEC. 5. *Be it further enacted*, That the sum of ten thousand, three hundred and seventy dollars and forty-five cents, due the county of Limestone for the October, November and December installments under said act, is also appropriated from any money in the Treasury, and the Comptroller will draw his warrant on the State Treasurer therefor, in favor of John B. McClelland and J. W. S. Donnell, for the Probate Judge of said county, to be by him distributed as directed by said act of August 29th, 1863. Fund for Limestone.

Approved December 3, 1863.

No. 147.]

AN ACT

To authorize M. L. Davis and D. W. Hollis to draw certain funds for the relief of indigent families of soldiers in Marion county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller be, and he is hereby au-

Fund for Marion
county how
drawn.

authorized to draw his warrant on the Treasurer in favor of M. L. Davis and D. W. Hollis, or either of them, for the amount to which the county of Marion is entitled as her distributive share of the appropriation for the support of indigent families of soldiers for November and December, 1863; and that F. W. Sykes and J. S. Clarke, or either of them, are in like manner authorized to draw the share of Lawrence county in said fund for November and December, 1863.

Approved December 7, 1863.

Fund for Lawrence
county how drawn

No. 148.] AN ACT

For the relief of indigent families of soldiers in Baldwin county.

County commissioners may appropriate fines and forfeitures.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Court of County Commissioners of Baldwin county be, and they are hereby directed to appropriate to the use of indigent families of soldiers, four thousand dollars of the fine and forfeiture fund now in the treasury of said county.

Approved November 19, 1863.

No. 149.] AN ACT

For the relief of indigent families of soldiers in the county of Macon.

Commissioners may levy tax in kind.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court for the county of Macon be, and are hereby authorized, if in their judgment they deem it expedient, to levy a tax in kind on the producers of said county, upon the following articles, to-wit: corn, meat and potatoes; which tax shall not exceed one-twentieth of the articles mentioned, and which tax in kind shall be collected for the use and benefit of the families of indigent soldiers in said county.

SEC. 2. *Be it further enacted*, That said Commissioners' Court be, and they are hereby authorized to appoint a

special commissioner for the families of indigent soldiers in said county, who shall receive for his services such compensation as said court shall determine, and shall be removed at the discretion of said court; and the said special commissioner shall receive from the Probate Judge of said county all money paid over to said judge by the Comptroller of Public Accounts, and receipt for the same, and shall appropriate the same to the support of said indigent families, under such rules and restrictions as said Commissioners' Court shall prescribe; and in the event of a levy of a tax in kind, the said special commissioner shall be charged with the duty of collecting said tax and of disbursing the same, under the direction of said court; and he shall furnish the tax payer with a receipt of the articles delivered, and shall return his list of tax in kind to said Commissioners' Court, under oath, for public inspection, and subject to such other regulations as said court shall prescribe.

Special commissioner appointed.
Pay and powers.

SEC. 3. *Be it further enacted*, That before entering upon the duties of his office, said special commissioner shall take an oath to faithfully and impartially discharge the duties herein imposed, and to distribute any money or provisions, placed under his control by the provisions of this act, with due regard to economy and the wants of each family, and shall enter into bond with good and sufficient security, approved by said Commissioners' Court, for the faithful performance of his duties as said special commissioner.

Commissioner to give bond.

SEC. 4. *Be it further enacted*, That if said special commissioner, or any agent employed in carrying out the provisions of this act, shall apply any of the funds or articles which may come into his hands to his own use, he shall be guilty of embezzlement and liable to indictment therefor, and on conviction shall be punished as if he had feloniously stolen such funds or articles.

Penalty for misapplying funds.

SEC. 5. *Be it further enacted*, That in the event of a levy and collection of a tax in kind, the said special commissioner shall appraise the value of said articles, and in the event the said special commissioner cannot agree as to the value, each may call in a disinterested party, and if they cannot agree a third party may be called in, and they shall determine the value; and either party shall have the right of appeal to the Commissioners' Court for said county, which appraisers shall first take an oath, which may be administered by said special commissioner, to faithfully and impartially value said articles; and said

Appraisers to be sworn.

Excess over tax
how paid.

Court to prescribe
rules.

tax payer shall be entitled to a credit on his or her county taxes to the amount of the value of the articles received and collected of said tax in kind, and upon the production of the receipt of said special commissioner, the tax collector for said county shall discharge said tax payer's county taxes to the extent of the value of the articles received under said tax in kind; and in the event that the value of said articles shall exceed his county tax, the said tax collector shall give to the party a receipt or certificate specifying the amount of said excess, which shall be allowed as a credit upon the county taxes of said party for the subsequent year or years until the same is exhausted.

SEC. 6. *Be it further enacted*, That the said Commissioners' Court may prescribe such rules and regulations as they deem best for the benefit of said special commissioner, and for the protection of the tax payers of said county of Macon.

Approved December 7, 1863.

No. 150.] AN ACT

For the relief of Soldiers' Families in Pike County.

Commissioners'
Court may levy
tax in kind.

Property, in-
comes, &c.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the powers and authority now, or hereafter conferred by law, the court of county commissioners of Pike county be, and is hereby authorized to levy and collect a tax in kind upon all articles and commodities, and a tax in money upon all property, professions, trades and incomes upon which the Congress of the Confederate States has authorized a tax to be collected, for the exclusive use of the indigent families of soldiers in said county, and to do and perform all things necessary for the collection and distribution of the same, any law to the contrary notwithstanding; *Provided*, that no tax in kind shall be collected from any person who does not produce over four hundred bushels of corn.

Approved December 4, 1863.

No 151.] AN ACT

To consolidate the offices of County Treasurer and Clerk of the Circuit Court in Baldwin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the offices of county treasurer and clerk of the circuit court of Baldwin, be and the same are hereby consolidated; and the duties of said offices may hereafter be performed by the same person.

Offices consolidated.

Approved December 4, 1863.

No. 152.] AN ACT

To establish a Criminal Court for the county of Montgomery, with civil jurisdiction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there is hereby established in the city of Montgomery, an inferior or court of record, to be called the city court of Montgomery, to consist of one Judge, who shall reside in said city, or within six miles of the court house of Montgomery county, to be elected by the qualified voters of Montgomery county, on the first Monday in May next, and every six years thereafter, who shall take the same oaths, hold his office for the same term, and be removable for the same causes as judges of the circuit courts of this State.

City Court established.
Judge how elected.

SEC. 2. *Be it further enacted*, That said court shall have a seal, a clerk and other officers for the exercise of its jurisdiction as the Circuit Courts have; the clerk of said court shall be elected on the same day that the judge is elected, and hold his office for four years, and after the first election, he shall be elected on the first Monday in August. He shall give bond as required of clerks of the Circuit Courts, and in all respects, shall be governed by the laws in relation to the clerks of the Circuit Courts, except as changed by this act.

Work, &c.

Election of

SEC. 3. *Be it further enacted*, That said court shall be holden, and the office of clerk thereof, kept at the court house in said city. It shall hold three terms each year,

Terms and when held.

commencing first Monday in October, February and June, and may by special adjournment, hold such other terms as may be necessary for the dispatch of business.

Jurisdiction.

Laws conferring jurisdiction on Circuit Courts applicable.

SEC. 4. *Be it further enacted*, That said court shall have concurrent jurisdiction with the Circuit Courts in the administration of criminal law in said county, and that the powers and jurisdiction of the Circuit Courts of this State be, and are hereby conferred on the City Court of Montgomery (except in actions to try titles to land), and in order to confer upon said court the same power and authority for the complete exercise of its jurisdiction, as is, or may be conferred upon the Circuit Courts, in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in all cases (except in actions to try titles to land) upon the Circuit Courts giving them the power to hear and determine cases, appoint and remove their officers, punish contempts, regulate their practice, and forms of process, prescribing the duties of their officers and of Sheriff and Coroner, allowing established fees to each officer, and providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said court and its officers, as fully as they extend to the Circuit Courts. The judge of said court herein provided for, shall be a conservator of the peace in Montgomery county, and as such, and in the exercise of the jurisdiction hereby conferred, shall, in the recess or vacation of said court, have the same power and authority as Judges of the Circuit Courts.

Appeals to Supreme Court

SEC. 5. *Be it further enacted*, That the Supreme Court of this State, shall have appellate jurisdiction over said City Court, and causes may be removed from that court to the Supreme Court in the same way provided for by law for the exercise by that court, of like appellate or supervisory jurisdiction over the courts or judges of the Circuit Courts.

Process how tested, &c.

SEC. 6. *Be it further enacted*, That the process of said City Court shall be tested, served, returned, and be in form as is, or may be, provided for the process of the Circuit Courts, varying only in the style of the court, and conform to its terms.

Jurors and venire.

SEC. 7. *Be it further enacted*, That the grand and petit jurors for said court shall be drawn and empanelled in the same manner as is, or may be, provided for juries of the Circuit Courts, and a venire therefor, issued in the same way as is now provided; and the said court

shall have the same power to issue special venires, and call in tales jurors, as the Circuit Courts.

SEC. 8. *Be it further enacted*, That no grand jury shall be summoned for any term of the Circuit Court of said county, but in case the judge of said court, at any time during the terms of said court, shall find occasion for a grand jury, he shall direct one to be empannelled in the same manner, as the law now provides, in cases where a grand jury has not been drawn and summoned, in consequence of the neglect of any officer charged therewith.

Grand jury for
Circuit Court.

SEC. 9. *Be it further enacted*, That all laws of a general nature (except as to actions to try titles to land), that may hereafter be adopted, giving jurisdiction to the Circuit Courts of this State, or to the Circuit Court of Montgomery county, shall be held to apply and extend to the City Court of Montgomery, within said county, although said City Court may not be mentioned in said law.

Future laws how
applicable.

SEC. 10. *Be it further enacted*, That the salary of the judge of the court hereby established, shall be three thousand dollars a year, and also three dollars for each case not defended, and five dollars for each case defended in said court, to be taxed as cost against the unsuccessful party, which shall not be diminished during his continuance in office, and be payable quarterly at the treasury of the county of Montgomery, upon his order, out of any moneys therein, unappropriated; and for the remuneration of said county for the payment of the same, the fees and forfeitures of all State cases in Montgomery county, to the full amount of said salary, shall be paid into said treasury in preference to any other appropriation of the same, and in all cases which shall be tried in said City Court herein established, in which the defendant, after conviction, shall be unable to pay the costs of prosecution, the same shall be paid out of the fines and forfeitures which have accrued, or may accrue in criminal cases in Montgomery county.

Salary of judge

How paid

Forfeiture, &c

SEC. 11. *Be it further enacted*, That whenever any change of venue shall be made from said court, to any other county, the Circuit Court trying such cause upon the change of venue, shall order the fine or forfeiture, upon the conviction of the accused, to be paid, when collected, to the sheriff of Montgomery county, which shall be applied to the purposes herein provided.

Fines and for-
feitures on
change of venue.

SEC. 12. *Be it further enacted*, That the Sheriff, Coroner and Constables of the county of Montgomery shall be bound to attend said court, preserve order, and exe-

Sheriff, &c., shall
attend.

cute and return its processes as they are, or may be required to do in the Circuit Courts.

County Court
abolished.

SEC. 13. *Be it further enacted*, That an act entitled an act to establish a County Court for Montgomery county, approved February 24th, 1860, be repealed, and that all cases now standing for trial on said county court docket, shall be transferred to the docket of said City Court of Montgomery, with all the papers, books and orders heretofore made by said county court.

Powers of judge

SEC. 14. *Be it further enacted*, That power is hereby conferred on the said judge of said City Court, to order the issue of writs of injunction, or any other writ or process, in any and every case, in which, by the existing laws a circuit judge might order the issue of any such or like writ or process.

Approved December 7, 1863.

No. 153.]

AN ACT

To change the times of holding the Circuit Courts in the Eighth Judicial Circuit.

Pike

Coffee

Dale

Henry

Barbour

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Circuit Courts of the eighth judicial circuit shall be begun and holden as follows: In the county of Pike on the fourth Monday in March and September, and may continue two weeks; in the county of Coffee on the second Monday after the fourth Monday in March and September, and may continue one week; in the county of Dale on the third Monday after the fourth Monday in March and September, and may continue one week; in the county of Henry on the fourth Monday after the fourth Monday in March and September, and may continue one week; in the county of Barbour on the fifth Monday after the fourth Monday in March and September, and may continue in session until the business is disposed of.

Extent and limit

SEC. 2. *Be it further enacted*, That this act shall continue in force until the ratification of a treaty of peace between the Confederate States and the United States, and after that time the Circuit Courts in the eighth judicial circuit shall be holden as provided by law before the passage of this act.

SEC. 3. *Be it further enacted*, That the Governor be, and he is hereby authorized and requested to have this act published for three successive weeks in the Southern Advertiser, the Clayton Banner, and the Spirit of the South, and also to have copies of this act forwarded to the Circuit Court clerks in the several counties composing the eighth judicial circuit.

Approved December 3, 1863.

No. 154.] AN ACT

To change the time of holding the Courts of the Eleventh Judicial Circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Circuit Courts of the eleventh judicial circuit shall hereafter be held as follows, to-wit: In the county of Covington, on the first Monday in March and September, and may continue in session one week; in the county of Conecuh, on the second Monday in March and September, and may continue in session one week; in the county of Butler, on the third Monday in March and September, and may continue in session two weeks; in the county of Monroe, on the first Monday in April and October, and may continue in session one week; in the county of Clarke, on the second Monday in April and October, and may continue in session one week; and in the county of Wilcox, on the third Monday in April and October, and may continue in session three weeks.

SEC. 2. *Be it further enacted*, That all process to said courts shall be made returnable accordingly, and all process heretofore issued shall be deemed and held returnable to the terms fixed by this act.

SEC. 3. *Be it further enacted*, That all laws contravening the provisions of this act be, and the same are hereby repealed.

Approved December 17, 1863.

No. 155.] AN ACT

To authorize the Judge of the Sixth Judicial Circuit to fix the place of holding the Circuit Court of Baldwin county.

Judge appoints
place of holding

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the existing war the judge of the sixth judicial circuit may direct the holding of each term of the Circuit Court in and for the county of Baldwin, at any place in said county to be selected by him for public convenience at the time, at which place the acts and proceedings of the court shall be as binding and effectual as if done at Blakely, the county seat: *Provided,* that said judge shall notify the sheriff and clerk of the Circuit Court of the place selected by him, at least sixty days before the day appointed by law for the commencement of each term of said court.

Notice to officers

Records to be re-
moved,

SEC. 2. *Be it further enacted,* That the clerk of the Circuit Court and the sheriff of said county be authorized to remove the records of their respective offices to the place so appointed for holding the court, and return the same after each term to Blakely, in said county, and the expense thereof shall be paid by the county.

Notice by officers

SEC. 3. *Be it further enacted,* That it shall be the duty of the sheriff, or clerk of the Circuit Court of said county, to give notice, prior to each term, for thirty, days by publication in one weekly newspaper at Mobile, of the place appointed for holding said court.

Approved November 28, 1863.

No. 156.] AN ACT

To regulate the time of holding the Chancery Courts of the Northern Chancery Division.

Chancellor may
appoint time and
place.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the existence of the present war, whenever it shall be impracticable, from a threatened invasion, or an occupation by the public enemy, of any district of the Northern Chancery Division, to hold the regular terms of the Chancery Court of said district, it

shall be the duty of the Chancellor of said division to hold a term of said court for such district, at such time, and at such place in said division as he may appoint, upon giving notice thereof, for twenty days, by advertisement, in some newspaper published in said division.

Notice

SEC. 2. *Be it further enacted*, That when such term of said court shall be ordered, it shall be the duty of the Register of said court to attend at the time and place appointed, with the records and papers of all suits pending and undetermined in the court of the district for which such term is to be held, and all orders and decrees rendered at such time, shall have the same force and effect as if rendered at a regular term of said court, at the usual place of holding said court.

Register to attend.

Force of decrees

Approved November 30, 1863.

No. 157.]

AN ACT

To detach certain counties from the Middle Chancery Division, and attach others thereto—also, to detach certain counties from the Southern Chancery Division, and attach others thereto.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of January, eighteen hundred and sixty-four, the Chancery Districts composed of the counties of Russell, Chambers, Tallapoosa and Coosa, be and the same are hereby detached from the Middle Chancery Division, and attached to the Southern Chancery Division, and (that the Chancery Districts composed of the counties of Marengo, Choctaw, and Wilcox be detached from the Southern Chancery Division, and attached to the Middle Chancery Division).

Russell, Chambers, Tallapoosa, and Coosa transferred to Southern division.

Marengo, Choctaw and Wilcox to middle.

In case of conflict Chancellor to give time

SEC. 2. *Be it further enacted*, That the Chancellors of the said Middle and Southern Divisions, whenever any of the terms of the courts of the Chancery Districts mentioned in the first section of this act, as now fixed by law, conflict with the terms of other courts in their respective Divisions, the said Chancellors respectively, until otherwise provided by law, may fix the time for holding any such term, so coming in conflict, by notice published for thirty days, in some newspaper issued from a point nearest to that at which the court is to be held.

Notice to be given.

Subject to provisions.

Fall terms suspended.

SEC. 3. *Be it further enacted*, That the change provided for by this act shall be subject to the provisions of an act passed at the present session of this General Assembly, to suspend during the war, the fall term of the Chancery Courts of the Middle Division of the State, and that the fall term of the said Chancery Courts of the districts detached from the Middle Division, and attached to the Southern Division by this act, be suspended according to the provisions of the said act aforesaid.

Approved December 8, 1863.

No. 158.]

AN ACT

To regulate the Courts of the Middle Chancery Division during the existing war.

Fall terms suspended except &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fall and winter terms of the Chancery Courts for the Middle Chancery Division of the State, be and they are hereby suspended during the war, except the fall term of Russell Chancery Court for the year 1863.

Causes submitted

SEC. 2. *Be it further enacted*, That all causes in said division may be submitted for final decree in vacation, by consent of parties, or their Solicitors or *guardians ad litem*; and as to parties against whom decrees *pro confesso* have been properly entered without their consent, but not until twenty days after such decrees have been entered.

Motions, &c., how heard

SEC. 3. *Be it further enacted*, All demurrers, any motion or appeal from the decision of the Register, or application for orders to execute a decree, may be heard and determined in vacation, upon five days' notice to the adverse party of the time and place and hearing; but no notice shall be required to be given to any party against whom a decree *pro confesso* has been entered.

Decrees *pro confesso*.

SEC. 4. *Be it further enacted*, All parties against whom decrees *pro confesso* may be entered, may at any time before final decree, upon application to the Chancellor, under existing laws and rules, be allowed to file an answer, and to continue the cause upon a proper showing.

SEC. 5. *Be it further enacted*, That for the purpose of

this act, the Chancellor of said division shall remain at the place of his residence during the month of February, but may hear and determine all matters which may come before him under the provisions of this act or existing laws, in any month, and orders or decrees rendered by the Chancellor, in vacation, shall be entered according to the present rules of court, and be as valid in all respects as if entered in term time.

Duty of Chancellor and powers.

SEC. 6. *Be it further enacted*, That the provisions of this act shall only continue in force during the war.

Limitation.

Approved November 19, 1863.

No. 159.]

AN ACT

To change the time of holding the Chancery Courts for Fifth, Sixth, Seventh, Ninth and Twelfth Districts of the Southern Chancery Division of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the

Terms changed.

Chancery Courts for the following districts of the Southern Chancery Division, shall be held in each year, as follows: For the fifth district, composed of the counties of Henry and Dale, on the Wednesday next preceding the second Monday in May and November; for the sixth district, composed of the county of Barbour, on the second Monday in May and November; for the seventh district, composed of the counties of Pike and Coffee, on the fourth Mondays of April and October; for the ninth district, composed of the county of Lowndes, on the Thursday next preceding the fourth Monday in April and October; and for the twelfth district, composed of the counties of Butler, Covington and Conecuh, on the third Monday in April and October.

Henry and Dale

Barbour

Pike and Coffee

Lowndes

Butler, Covington and Conecuh

Approved December 8, 1863.

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No. 160.] **AN ACT**
 To authorize the County Commissioners of Mobile county to increase the salary of the Judge of the City Court of Mobile.

Salary may be increased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened;* That the county commissioners of Mobile county are hereby authorized to increase the salary of the Judge of the City Court of Mobile to an amount not to exceed one thousand dollars per annum.

Limitation

SEC. 2. *Be it further enacted,* That this power shall exist in said commissioners until a ratification of a treaty of peace between the Confederate States and United States.

Approved December 7, 1863.

No. 161.] **AN ACT**
 To better regulate the fees of the Judges of the Probate Courts of Greene, Marengo and Choctaw counties.

Fees during war

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened;* That the Judge of the Probate Courts of Greene, Marengo and Choctaw counties for and during the existing war, be allowed to receive for their services hereinafter mentioned, the fees hereto attached and no other, and the same to be paid, taxed and collected, in the manner provided by law:

Estates of deceased persons.

For all orders on presenting a Will for Probate, &c. \$2 00

For examining witnesses, and order admitting Will to Probate, where the gross value of the estate is

is ten thousand dollars or more..... 4 00

For like services, where gross value of estate is less than ten thousand dollars..... 2 00

For presiding on the trial of a contested Will where gross value of estate is ten thousand dollars or more—*per diem*..... 8 00

For like services where gross value of estate is less than ten thousand dollars..... 4 00

For another jury trial..... 4 00

For granting letters testamentary, or of administration, where gross value of estate is ten thousand dollars or more.....	\$3 00	
For like services, where gross value of estate is less than ten thousand dollars.....	2 00	
For taking, approving and recording bond, and entering order of appraisement.....	2 00	
For granting order of appraisement.....	1 00	
For granting order of sale of real or personal property, where the value of the property to be sold is ten thousand dollars or more.....	4 00	
For like services, where value of property to be sold is less than ten thousand dollars.....	2 00	
For issuing copy of order of appraisement or sale.....	50	
For order to record inventory, appraisement and sale, each.....	1 00	
For order removing executors, administrators or guardians.....	4 00	
For granting and issuing letters of guardianship, taking, approving and recording bond, where estate of ward is ten thousand dollars or more.....	5 00	Minors
For like services, where estate of ward is less than ten thousand dollars.....	3 00	
For order appointing commissioners to divide real or personal estate, and for issuing writs to the sheriff, where property to be divided is of the value of ten thousand dollars or more.....	7 00	
For like services, where property to be divided is less than ten, and five thousand dollars or more.....	5 00	
For like services, where property to be divided is less than five thousand dollars in value.....	3 00	
For order on petition to sell real estate, appointing a day for hearing, and orders for notices, where estate petitioned to be sold, is of the value of ten thousand dollars or more.....	4 00	Estates
For like services, where value of estate petitioned to be sold is less than ten thousand dollars.....	2 00	
For appointing all guardians <i>ad litem</i> , and giving notice to such guardian <i>ad litem</i>	2 00	
For examining testimony and giving decree, to sell land, where the land is of the value of ten thousand dollars or more.....	8 00	
For like services, where the value of the land is less than ten thousand dollars.....	5 00	
For order approving sale and recording same....	1 00	

Power	For hearing application for dower, issuing writ, entering all orders, and allotting dower, where dower allotted is of the value of ten thousand dollars or more.	\$8. 00
	For like services, where value of dower allotted is less than ten thousand dollars.	5. 00
Accounts	For examining, stating and reporting the accounts of executors, administrators or guardians, for settlement, order appointing day for hearing, and copy for publication, where gross value of estate is ten thousand dollars or more.	8. 00
	For like services in all other cases.	4. 00
	For examining voucher, and allowing or rejecting such on each side of account, where estate is of the value of ten thousand dollars or more.	10. 00
	For like services in all other cases.	05
	For making decrees on annual or partial settlements, and order to record, where gross value of estate is ten thousand dollars or more.	5. 00
Decrees in settlement,	For like services, where value of estate is less than ten thousand dollars.	2. 00
	For making all entries, except decrees in final settlements, and order to record, where gross value of estate is ten thousand dollars or more.	8. 00
	For like services, where value of estate is less than ten thousand dollars.	4. 00
	For each decree of distribution.	1. 00
	For entering all necessary orders in relation to insolvent estates, for each order.	25
Insolvent estates	For issuing notice to creditors, each notice.	50
	For decree in favor of creditor, each.	50
	For filing each claim in office, and giving receipt therefor, to be paid by person filing claim.	50
	For issuing each writ, citation or notice, required to be issued in pursuance of law.	1. 00
Bonds	For approving every bond, except those of executors, administrators and guardians.	1. 00
Records	For recording wills, inventories, appraisements, reports, decrees, and for recording conveyances and all other instruments required by law to be recorded, for every hundred words.	120
	For each certificate, with or without seal of office.	1. 00
Certificate	For granting retail license, and filing oath.	3. 00
License	For each other license not otherwise provided for.	2. 00
Apprentice	For order binding out apprentice.	1. 00
Commissions	For commissions to take depositions in any one case.	2. 00

For administering oaths not otherwise provided for.....	\$ 50	Oath
For presiding in Commissioners' Court, per day..	5 00	Presiding
For posting estray, or advertising the same.....	2 00	Estray
For filing claim against an estate solvent, to be paid by the person filing the same.....	50	Filing claim
When estates are less than \$200, one-fourth of the lowest of above fee.....		
For making out lists of licenses, and exhibiting bonds of public officers to grand juries, and making up and keeping records of Commissioners' Courts, and issuing citations to appor-tioners and overseers of roads, and drawing drafts on county treasurers, and exhibiting records to grand juries, filing and approving bonds for bridges, &c., oaths and bonds for militia officers, &c.,—per annum.....	300 00	General service
Approved December 7, 1863.		

No. 162.] AN ACT

To repeal in part "An Act to regulate the Fees of Probate Judges in Greene, Marengo, and Choctaw counties."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An Act to regulate the Probate Judges' fees of Greene, Marengo, and Choctaw counties," approved December 7th, 1863, be, and the same is hereby repealed, so far as relates to said fees in the county of Choctaw.

Approved December 8, 1863.

No. 163.] AN ACT

To increase the pay of the county officers of Clarke county, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fees of the Judge of Probate,

Clerk of the Circuit Court, and Sheriff of Clarke county, and witnesses in the courts of said county, be, and the same are hereby increased fifty per cent. on the fees heretofore allowed by law.

Approved November 28, 1863.

No 164.]

AN ACT

To increase the *per diem* of Commissioners, Tax Collectors and Assessors of Clarke, Choctaw and Tuscaloosa counties.

Per diem of Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county commissioners of Clarke, Choctaw and Tuscaloosa counties shall receive five dollars per day for their services while their court is in session.

Fees of Assessors and Collector

SEC. 2. *Be it further enacted,* That the tax collector and assessor shall receive one dollar for visiting the house of a tax payer for the purpose of collecting or assessing taxes. *Provided* said tax payer is not a soldier or the relic of a soldier.

Approved December 3, 1863.

No. 165.]

AN ACT

To increase the Fees of Commissioners and Constables in Chambers county.

Fees increased fifty per cent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That members of the Court of County Commissioners, and Constables, in the county of Chambers, be allowed an increase of fifty per cent. on the fees now allowed by law.

Approved December 8, 1863.

No. 166.] **AN ACT**
 To repeal an act approved November 9th, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, approved November 9th, 1861, to reduce and define the fees of Notaries Public for the protest of notes, bills of exchange, or other papers, in the city of Mobile, be, and the same is hereby repealed.
 Approved December 3, 1863.

Fees of Notaries
 in Mobile

No. 167.] **AN ACT**

To authorize the Judge of Probate of Lowndes county to record a certain paper.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the Judge of Probate of Lowndes county to record the report of Simeon R. May, Felix Jordan, George Hazard and Jas. A. Graham, a commission appointed to set off from the estate of M. E. Murphree, one-sixth part of the negro property of said estate to Rebecca F. Sampley, formerly Rebecca F. Murphree.

Reports of Com-
 missioners legal-
 ized

SEC. 2. *Be it further enacted,* That the commissioners named in the first section, be and are hereby authorized to designate the slave Eliza or Liza, as the one-sixth part of the slave property of the estate of M. E. Murphree, to Rebecca F. Sampley, *Provided* said slave be the one-sixth part of the value of said property.

Commissioners to
 designate prop-
 erty.

Approved November 27, 1863.

No. 168.] **AN ACT**

To remove the settlement of the Guardianship of Julius C. Alford, deceased, late guardian of Julius S. Alford, from the Probate Court of Pike county, to the Probate Court of Montgomery county.

Proviso

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Administrator of
J. C. Alford to
remove settle-
ment.

Judge to make
record.

Jurisdiction
changed to
Montgomery.

convened, That D. B. Banks, administrator of the estate of Julius C. Alford, deceased, late of Montgomery county, be authorized to remove the settlement of the guardianship of Julius C. Alford, deceased, late of Montgomery county, from the Probate Court of Pike county, the Judge of said Probate Court of Pike county being connected by consanguinity with the said Julius S. Alford, within the degree; and that the Judge of the Probate Court of Pike county shall make a complete record of all the proceedings had in said court of the guardianship of the estate of the said Julius S. Alford, by the said Julius C. Alford, and cause the same to be transferred to, and be deposited in the Probate Court of Montgomery county, which court shall forthwith take jurisdiction of said settlement, and proceed to hear and determine all matters and things pertaining thereto, and the final settlement of said guardianship.

Approved November 27, 1863.

No. 169.] AN ACT

To confer jurisdiction upon the Probate Court of Butler county over the estate of George N. Lewis, dec'd.

Court of Butler
has jurisdiction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of Probate of Butler county shall have jurisdiction over the estate of George N. Lewis, deceased, late of Lowndes county; to grant letters testamentary on the Will of said deceased, and to do all things necessary and proper to cause the estate of said deceased to be settled and distributed in said court, according to the laws of this State, under the provisions of said Will, as fully and effectually as if the said deceased had been an inhabitant of the county of Butler at the time of his death.

Approved December 4, 1863.

No. 170.] **AN ACT**

To give jurisdiction of the estate of William Garner to the Judge of Probate of Bibb county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of Probate of Bibb county have, and he is hereby given jurisdiction of the estate of William Garner, to probate the last will of William Garner, deceased, late of Bibb county, and to exercise jurisdiction of said estate as fully as though no relation existed between said Judge of Probate and the deceased, and the legatees under said will or executor thereof.

Jurisdiction conferred.

Approved November 19, 1863.

No. 171.] **AN ACT**

To authorize the Court of Probate of Pike county to grant an order of sale of the land of Eli Parks privately.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of Probate of the county of Pike be, and the same is hereby authorized and empowered to grant an order to F. E. Boykin, the administrator on the estate of Eli Parks, late of said county, deceased, to sell the lands of said estate, either at private or public sale, as it may appear best to the interest of the said estate, said sale shall be returned by said administrator, and passed upon and confirmed by said court, as provided for by law in relation to sales of lands by administrators.

Jurisdiction to order private sale.

Confirmation.

Approved December 7, 1863.

No. 172.]

AN ACT

To extend to the Probate Court of Jefferson county the provisions of an act therein named, and other counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Provisions of act
extended.

convened, That the provisions of an act to amend Section 1748 of the Code, so far as relates to Bibb county, "approved August 27, 1863," be and the same are hereby extended to the Probate Court of Jefferson, Perry, Greene, Macon and Dallas counties.

Approved December 8, 1863.

No. 173.] AN ACT

To authorize the administration of the estates of James K. Breazeale and Sarah K. Breazeale, to remove the administration of said estate from the county of Lowndes to the county of Dallas.

Administrator
authorized to re-
move property,
&c., of estate

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Absalom D. Breazeale, of Dallas county, administrator of the estate of James K. Breazeale, and also of the estate of Sarah A. Breazeale, be authorized to remove the property and administration of said estate from the county of Lowndes to the county of Dallas, and that the Judge of Probate of the county of Lowndes be authorized to serve a transcript properly certified of the proceedings heretofore had in said court, in relation to said estate, with all papers on file in his court belonging to said estate to the Probate Judge of Dallas county. *Provided*, the said Absalom D. Breazeale shall first give bonds to the Judge of Probate of Dallas county, as are required by law, and shall pay to the Judge of Probate of Lowndes county all costs that have accrued in the administration of said estate in Lowndes county, and shall make full settlement of said estates with the probate court of Lowndes county before the order of removal is granted.

Record to be cer-
tified.

Bond

Fees to be paid.

Settlement

Approved November 17, 1863.

No. 174.]

AN ACT

To authorize the Governor to rescind certain contracts therein named.

SECTION 1. *Be it enacted by the Senate and House of Rep-*

representatives of the State of Alabama in General Assembly convened, That the Governor be and he is hereby authorized upon just terms to rescind a contract made by him with E. W. Starke, of Pike county, for the distillation of alcohol and whisky. *Provided*, said Starke consents thereto, and that in the opinion of the Governor the interest of the community in which the distillery is located requires such rescission.

E. W. Starke's
contract

SEC. 2. *Be it further enacted*, That all the provisions of the first section of this act be and apply to the contracts made by James L. Robinson and William L. Taylor, of the county of Chambers, for the distillation of alcohol and whisky.

Robinson & Taylor.

Approved December 3, 1863.

No. 175.] **AN ACT**

For the relief of Dickson, Nelson & Co., and Lewis G. Sturdivant.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be, and he is hereby authorized to modify or change the contracts made with Dickson Nelson & Co., and Lewis G. Sturdivant, for the manufacture and delivery of guns for the State, so as to pay just and reasonable compensation for the guns which have been or shall be delivered to and received by the State.

Governor may
pay fair compensation.

Approved December 7, 1863.

No. 176.] **AN ACT**

For the relief of certain Government Contractors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for any defendant indicted for cutting trees off the public lands in the State, to make proof upon the trial of such indictment, that at the time of the committal of the offence, a subsisting contract existed between the party indicted and the government of the Confederate States, to furnish said government

When indicted
may prove gov-
ernment contract

And actual use

ernment any of the following articles, to-wit: Potash, Nitre, Sulphur or Charcoal, and that the said trees were actually used in the fulfillment of said contract, and that the potash, nitre, sulphur or charcoal, as the case may be, was manufactured for the sole use of said government, and has not been disposed of to any person other than to an agent of said government for its use.

Fine

SEC. 2. *Be it further enacted*, That upon such proof being made, it shall be lawful for the jury trying the cause to assess a fine against the defendant to an amount equal to the amount of the actual damages the State has sustained by reason of the cutting of said trees, not less than the minimum price fixed upon said lands by the laws of this State, and not less than the minimum price of each legal subdivision upon which the defendant has cut any timber.

Extended to agents, &c.

SEC. 3. *Be it further enacted*, That the privileges allowed by this act is also extended to their agents and employees.

Not to repeal, &c.

SEC. 4. *Be it further enacted*, That this act shall not be so construed as to repeal any law in force against cutting trees from public lands, and shall not affect any indictment now pending, except so far as it secures to defendants the benefits herein provided.

Approved November 27, 1863.

No. 177.] **AN ACT**

For the relief of Justices of the Peace in the county of Montgomery.

Act of 1862 applicable.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the provisions of "an act in relation to the officers of Court," approved November 14, 1862, be and the same are hereby made applicable to Justices of the Peace in the county of Montgomery, so far as relates to preliminary trials, and investigations had before them in State cases in which convictions are had in the Circuit Court, and that the fees due said Justices on such preliminary trials and investigations had before them in cases where convictions are had in the Circuit Court shall be paid out of the fine and forfeiture fund of the county of Montgomery in the same manner and

Fees how paid

to the same extent as is provided for the payment of fees due the officers of court by said act.

Approved December 4, 1863.

No. 178.] AN ACT

For the relief of the poor of Mobile county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Board of Commissioners of Revenue of Mobile county be and is hereby authorized to levy and collect a special annual tax, not exceeding fifty per cent. on the amount of the State tax in said county, for the relief of the poor of Mobile city and county, to be distributed in such manner as said commissioners shall deem best.

Commissioners may levy tax

SEC. 2. *Be it further enacted,* That this act shall be in force for and during the continuance of the war now pending between the United States and the Confederate States, and nothing herein contained shall operate as a repeal of the laws now in force in this State for the relief of the families of soldiers in the Confederate service.

Limitation of act.

Approved November 30, 1863.

No. 179.] AN ACT

For the relief of the poor in Cherokee county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That one-half of the taxes collected by Cherokee county, for county purposes, now on hand, or which shall be collected during the war, shall be set apart for the support of the poor of said county, who are not recipients of the county fund for the relief of indigent families of soldiers; the same to be distributed under the direction of the court of county commissioners of said county.

Tax set apart for poor.

Approved November 28, 1863.

No. 180.] **AN ACT**
For the relief of Jeremiah Fail.

Preamble

WHEREAS, Jeremiah Fail bored three artesian wells on the saline lands of this State, which are included in the lease to John P. Figh, at his own risk, cost, and expense, under an invitation of the General Assembly to all persons to make salt on the saline lands of this State, and whereas the State is now deriving the exclusive use and benefit of said wells,

May receive rent

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Jeremiah Fail be, and he is hereby authorized to charge and receive for the use of the waters produced by said wells, such toll or rent as he may deem reasonable and just, not to exceed one-tenth, in addition to the toll or rent charged or received by the State; and that no person shall use said waters without paying rent or toll to the said Fail, except the excess of water over and above the quantity contracted for. *Provided,* however, that this act shall only remain in force twelve months from its passage.

Proviso

Approved December 8, 1863.

No. 181.] **AN ACT**

For the relief of the Western Rail Road Company.

Entitled to two per cent. fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Western Rail Road Company shall be entitled to the benefit of the provisions of the fifth section of an act entitled "an act to reinvest a portion of the two per cent. fund," approved 24th February, 1860. *Provided,* said Company shall complete and put in operation their Rail Road from the town of Montgomery to the Alabama River, opposite the town of Selma within two years after the ratification of a treaty of peace between the United States and the Confederate States.

Proviso

Approved December 5, 1863.

No. 182.]

AN ACT

For the relief of H. P. Watson.

WHEREAS, the State of Alabama is justly indebted to H. P. Watson, the Adjutant and Inspector General of the State for eight and a half months services, beginning on the 14th day of March, and ending 30th November, 1863, at the rate of \$120 per month.

SECTION 1. *Therefore be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller draw his warrant upon the Treasurer, in favor of said H. P. Watson, for the sum of one thousand and twenty dollars, to be paid to the said Watson, out of any money in the treasury not otherwise appropriated.

Approved December 8, 1863.

No. 183.]

AN ACT

For the relief of Robert Z. Barlow, the Tax Collector and Tax Assessor of the county of Baldwin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the amount heretofore paid by Robert Z. Barlow, tax assessor and tax collector of the county of Baldwin, during his present term of office, for necessary books and printing and stationery, may be retained by him in any future settlement with the county commissioners; and he may continue to do so until otherwise provided by law.

SEC. 2. *Be it further enacted,* That the sum of sixty dollars being the amount allowed by the said commissioners to R. Z. Barlow, the tax collector of said county, for errors and insolvencies in the year 1862, be paid to the order of said Barlow by the State Treasurer, on the warrant of the Comptroller, the same having been refused payment only on account of not having been presented during the fiscal year 1862.

Approved December 4, 1863.

No. 184.]

AN ACT

[281] 07

For the relief of the Tax Collector of Calhoun county.

Allowed time to
make returns

Provided

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the tax collector of Calhoun county be allowed, until the first of May, 1864, to make his return to the Comptroller for the taxes of 1863; *Provided,* that this act shall not take effect until the sureties on the official bond file their written assent thereto in the office of the Comptroller of Public Accounts.

Approved December 7, 1863.

No. 185.]

AN ACT

For the relief of Samuel B. Harmon, Tax Collector of Macon county.

Preamble

WHEREAS, Samuel B. Harmon, late tax collector for Macon county, has fully paid off and satisfied the judgment, principal, interest and costs obtained against said Harmon, for the sum of five thousand one hundred and thirty dollars and eight cents, the balance due from said county for the tax year 1860, and the further sum of twelve hundred and eighty-two dollars and fifty-two cents recovered as damages thereon.

Appropriation

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twelve hundred and eighty-two dollars and fifty-two cents (\$1,282 52), be and the same is hereby appropriated to Samuel B. Harmon, late tax collector for the county of Macon, the same being the amount of damages recovered on a judgment against said Harmon, for the taxes of 1860, and by him paid into the State treasury, and that the Comptroller of public accounts issue his warrant on the State Treasurer therefor, to be paid out of any money in the treasury not otherwise appropriated.

How drawn

Approved December 5, 1863:

No. 186.] **AN ACT**
For the relief of William Hulsey, Tax Collector of Walker county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of public accounts be and he is hereby authorized to allow to William Hulsey, tax collector of Walker county, for the year 1862, a credit of one hundred and eighty-one dollars and seventy-four cents, for insolvencies, errors, &c., in the assessment of the State taxes of, said county for that year; *Provided,* that said collector shall present to said comptroller the certificate of the court of county commissioners that the said sum of one hundred and eighty-one dollars and seventy-four cents is the correct amount allowed therefor to said Hulsey.

Credit to be allowed.

Proviso

Approved November 27, 1863.

No. 187.] **AN ACT**
For the relief of Theophilus C. Greenhill, Tax Collector of Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the settlement with the Comptroller of the account of Theophilus C. Greenhill, tax collector for Franklin county for the year 1862, the sum of seven hundred and thirty-two dollars be remitted to him of the sum due, that being the amount of public money that had been collected for taxes due the State of Alabama, that was taken from him by force of arms by the public enemy, on the 21st February, 1863.

Amount of tax money taken by enemy remitted.

Approved November 19, 1863.

No. 188.] **AN ACT**
For the relief of John Mosely, Tax Collector of Dallas county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Credit allowed in
settlement.

Proviso

convened, That the Comptroller of Public Accounts is authorized and required, in his settlement with John Mosely, tax collector of Dallas county, for the year 1862, to allow the said John Mosely a credit of two thousand, eight hundred and ninety-eight dollars and ninety cents, being the amount of errors and insolvencies in the assessment of Dallas county for said year; *Provided*, the said John Mosely shall file with the Comptroller the proper certificate of the Court of County Commissioners of Dallas county, as now required by law.

Approved December 3, 1863.

No. 189.] AN ACT

For the relief of James P. Boggan, jr., Tax Collector of Butler county.

Credit allowed

Proviso

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized, on his settlement with Jas. P. Boggan, jr., late tax collector for Butler county, for the taxes of 1862, to allow credit for the amount of his insolvent and error list for the taxes of that year; *Provided*, the same be filed with the Comptroller, properly certified, as now required by law.

Approved December 4, 1863.

No. 190.] AN ACT

For the relief of Stephen Gipson, of Lawrence county.

Appropriation

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller be authorized and required to draw his warrant on the Treasurer for the sum of thirty-two dollars and fifty cents, in favor of Stephen Gipson, to be paid out of any money in the Treasury not otherwise appropriated.

Approved December 30, 1863.

No. 191.] AN ACT

For the relief of Virginia Mathews, of Dallas county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of public accounts of the State is hereby required to draw his warrant on the treasury of the State, in favor of Virginia Mathews, as the administratrix of Peter E. Mathews, deceased, late of Dallas county, for the sum of two hundred and forty-four dollars and forty cents (\$244 40), being the amount of State taxes overpaid by her by mistake, on lands not belonging to estate of the said Peter E. Mathews. Tax overpaid re funded.

Approved November 25, 1863.

No. 192.] AN ACT

For the relief of the heirs of Catharine Baker.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* Whereas, Catharine Baker, late of Montgomery county, deceased, by her last will and testament, devised to her daughter, Mary Eliza Peacock, of said county, certain real estate, situated near the city of Montgomery, to her sole and separate use, free from the dominion, debts and liabilities of her present, and any future husband, during her natural life, and at her death to the issue of her body then living, and their heirs forever. Preamble

And Whereas, the children of the said Mary Eliza Peacock, now living, to-wit: William Williamson, Jesse Peacock, Cammilla D. Edwards, Mike Peacock, M. C. Taylor, who are of full age, and Sarah Peacock and Fannie Peacock, by their guardian, and the said Mary Eliza, have solicited a sale of the said lands for distribution, by their petition signed by them respectively, and for this purpose, the said Mary Eliza, having given her assent, and has surrendered her life estate in consideration of receiving therefor, a child's part in *fee simple*, which has also been assented to by all of said children and guardian. Peacock's current life estate and assent of heirs.

Administrator
may sell land

SEC. 2. *Now, therefore, be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the administrator, with the will annexed, of said Catharine Baker, to sell said land at either public or private sale, for cash, or on a credit, or part cash, and part credit, and in a body, or in separate lots as he may be advised is best for the interest of said parties.

Report

SEC. 3. *Be it further enacted,* That within thirty days after said sale, the said administrator shall report the same to the Probate Court of Montgomery county, and if no objections be made to said sale by any of the parties interested, within twenty days after notice of the filing of said report, and the terms of said sale shall be complied with by the purchasers, the sale shall be confirmed, and the court shall order deeds of conveyance to be made to the purchasers by said administrator, which said deed or deeds shall convey to the purchaser all the right, title, interest and claim of the said Mary Eliza Peacock, and each and all of her children above named, whatever it may be in law or in equity. *Provided,* that the guardian of said infants shall elect as to terms of the sale of their interest, and if he elect to sell on time, then the administrator shall in his sale require such part of said purchase to be on time, as will equal the interest of said infants, or as much of their interest as the guardian shall demand, to be on time, secured by mortgage on the premises.

Deeds to be made

Proviso

Division of pro-
ceeds.

SEC. 4. *Be it further enacted,* That upon the confirmation of said sale, the said administrator with the will annexed, shall be authorized to pay over to the said Mary Eliza Peacock one-eighth portion of the nett proceeds, and to each of her said adult children one-eighth, and to the guardian of each of the infant children, one-eighth in money, or in the time notes as they may demand. *Provided,* that this act shall in no wise interfere with the rights of the creditors of said estate, if there be any. Nor shall any sale take place until the administrator of said estate file his assent thereto in said Probate Court.

Approved November 21, 1863.

No. 193.]

AN ACT

For the relief of Wiley Glover, of Calhoun county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State is hereby authorized, and it is hereby made his duty to make title to Wiley Glover, of Calhoun county, for the following described land, to-wit: The West half of the North West quarter of Section Sixteen, in Township Fifteen, range Eight, East, in Calhoun county Alabama, all laws and parts of laws to the contrary notwithstanding.

Titles to be made

Approved December 7, 1863.

No. 194.] AN ACT

For the relief of Duncan Findley, of the county of Pike.

WHEREAS, Duncan Findley, of Pike county, State of Alabama, became the surety of one Jacob Folman, late of said county, deceased, for the purchase money for the South West quarter of North East quarter and North half of South East quarter of Section Sixteen, Township Nine, Range Nineteen, at a public sale made by the trustees of said township, in accordance with law; and whereas, the said Duncan Findlay has paid the whole of the purchase money for said lands, and the estate of the said Folman is insolvent, and there is no administration upon the same, therefore,

Preamble

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be authorized and required to make as full and complete titles to the said South West quarter of North East quarter and North half of South East quarter of Section Sixteen, Township Nine, and Range Nineteen, to the said Duncan Findlay, as he would be required to do, had the said Findlay been the original purchaser of said lands. *Provided,* however, that this act shall not affect the legal or equitable rights of the heirs or personal representatives of the said Jacob Folman.

Titles to Findlay

Proviso

Approved November 27, 1863.

No. 195.]

AN ACT

For the relief of E. Shiver, of Dale county.

Preamble

WHEREAS, on the 19th day of February, 1856, Elijah Shiver, of Dale county, entered at the land office at Elba, Alabama, forty-one 37-100 acres of the South East quarter of the North West quarter of Section No. 3, in Township No. 3, of Range Twenty-five. And whereas, said Elijah Shiver intended to enter forty-one 37-100 acres of the North East quarter of the North West quarter of said section, township and range, said Shiver having previously, to-wit: on the 13th day of October, 1855, entered the South East quarter of the North West quarter, therefore

Register may
change entry

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Register and Receiver of the Land office at Elba be, and he is hereby directed to change said entry from the South East quarter of the North West quarter to the North East quarter of the North West quarter of said Section, Township and Range. *Provided* the latter tract is vacant and subject to entry.

Repeal

SEC. 2. *Be it further enacted,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

Approved November 19, 1863.

No. 196.]

AN ACT

For the relief of Boykin Goldsby and others.

Relieved from
oath against
duelling, &c

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, should it become necessary for James T. Reese and Boykin Goldsby, of Dallas county, and Samuel G. Hardaway, of Montgomery county, to take the oath against duelling, required by Section 110 of the Code of Alabama, the oath shall be confined, in point of time to the first day of November, 1863.

Approved November 25, 1863.

No. 197.]

AN ACT

For the relief of Edward P. Holcombe, of Lowndes county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever hereafter it shall become necessary for Edward P. Holcombe, of Lowndes county, Alabama, to take the oath against duelling proscribed by section 110 of the Code of Alabama, such oath shall be confined, in point of time, to the first day of November, A. D., 1863. Relieved from duelling oath, &c.

SEC. 2. *Be it further enacted,* That said Edward P. Holcombe be, and he is hereby relieved from all the pains and penalties of section 3089 of the Code of Alabama. From Sec. 3089

Approved November 28, 1863.

No. 198.]

AN ACT

For the relief of William A. Rose.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, William A. Rose, of Perry county, according to the boundaries of said county, is hereby declared to be a citizen of Dallas county, so long as he continues to live where he now resides. Made citizen of Dallas.

Approved November 25, 1863.

No 199.]

AN ACT

For the relief of N. Y. Alston.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county line between the counties of Perry and Marengo be changed so as to make Nathaniel Y. Alston a citizen of Marengo county, and entitled to all the privileges of citizenship therein, so long as he shall continue to reside at the place which he purchased from Mrs. Talbot. Made citizen of Marengo.

Approved November 28, 1863.

No. 200.]

AN ACT

For the relief of L. R. Davis, of Limestone county.

Made liner with
privilege.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter L. R. Davis, of the county of Limestone, shall be considered a liner between the counties of Limestone and Madison, with all the privileges and liabilities which attach to a citizen of Limestone county.

Approved November 30, 1863.

No. 201.]

AN ACT

For the relief of Lewis Anderson.

Made citizen of
Perry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county line between the counties of Perry and Marengo be changed so as to make Lewis Anderson a citizen of Perry county, and entitled to all the privileges of citizenship therein.

Slaves work
roads.

SEC. 2. *Be it further enacted,* That the slaves of the said Lewis Anderson shall be liable to work on public roads in the county of Perry.

Approved November 30, 1863.

No. 202.]

AN ACT

For the relief of Sedwine Dolive and Alexander Dolive of Baldwin county.

Made citizens

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Sedwine Dolive and Alexander Dolive, of Baldwin county be, and they are hereby made citizens of the State of Alabama, entitled to all the privileges as such.

Approved November 28, 1863.

No. 203.]

AN ACT

For the relief of Eliza Jane Harris, of Randolph county,
Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Eliza Jane Harris, of Randolph county, be, and she is hereby relieved from all disabilities imposed by law on persons against whom a divorce has been obtained.

Approved December 8, 1863.

No. 204.]

AN ACT

For the relief of Mrs. Jane Kirk, of Macon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. Jane Kirk, whose son volunteered in the military service of the Confederate States from the State of Mississippi, is hereby declared entitled to share in the several acts for the relief of indigent families of soldiers, as fully as if her son had volunteered in said service from this State.

Approved December 7, 1863.

No. 205.]

AN ACT

For the relief of T. B. Bethea, of Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That T. B. Bethea, of Montgomery county, be, and he is hereby authorized to sell his corn, which he purchased of A. P. Calhoun in Marengo county, in any market in this State, any laws to the contrary notwithstanding.

Approved December 8, 1863.

No. 206.]

AN ACT

For the relief of Charles Irby Mitchell.

Relieved from
disability.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles Irby Mitchell, of the county of Mobile, be, and he is hereby released from the disabilities of non-age, so as to authorize him to make settlement with, and to receive from his guardian all his property, in the same manner, and to the same extent, as though he was of full age; and his guardian is hereby authorized and fully empowered to settle with and deliver to said Mitchell all his property, and the settlement and receipts of the said Mitchell shall be as effectual as if he were of full age; and the said Charles Irby Mitchell is hereby authorized to exercise all the privileges and the rights of an adult, except the right to vote; and he shall be subject to all the liabilities and duties of an adult, notwithstanding his non-age.

Approved December 5, 1863.

No. 207.]

AN ACT

For the relief of Lindsey C. Spratling, of the county of Chambers.

May transact
business.

Contracts

Receive property

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lindsey C. Spratling, a minor of the county of Chambers, be and he is hereby authorized to manage and transact all business connected with his estate, and that all contracts which he shall make after the passage of this act, shall be as legal and as full effect as though he were twenty-one years of age, and he is hereby fully authorized to settle with and receive his property from his guardian, as fully as though he were twenty-one years of age.

Approved November 17, 1863.

No. 208.] AN ACT

For the relief of Algernon A. Henderson, a Minor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Algernon A. Henderson, a minor, of the county of Macon, be and he is hereby relieved from his disabilities as a minor, so far as to authorize him to receive his estate at the hands of his guardian, George B. Slaughter, and to receipt for the same as fully as he could do, if he, said minor were twenty-one years of age, and upon such final settlement and receipt, the said Slaughter shall be discharged from all further liability therefor as guardian.

May receive estate.

Guardian how discharged.

Approved December 7, 1863.

No. 209.] AN ACT

For the Relief of James M. Calhoun.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon the probate of the will of William M. Smythe, late of the county of Marengo, by James M. Calhoun, the executor thereof, in the Probate Court of Marengo county, the administration and settlement of said estate, with all of the property belonging thereto, be and the same is hereby transferred and removed from the county of Marengo to the county of Dallas, and to this end the Judge of the Probate Court of Marengo county, upon application of said James M. Calhoun, shall make out and certify to the Probate Court of Dallas county, a full and complete transcript of all the proceedings of said court in relation to the probate of the will of said William M. Smythe, which transcript, with all fees due to the Judge of Probate of Marengo county, shall be paid by the said James M. Calhoun.

Settlement transferred from Marengo to Dallas

Transcript

To pay fees

SEC. 2. *Be it further enacted,* That upon the filing of said transcript, with the will of said William M. Smythe, in the Probate Court of Dallas county, and the execution of the proper bond by the said James M. Calhoun, the Probate Court of Dallas county shall give letters testamentary to said James M. Calhoun, as the executor of

Court of Dallas to issue letters, &c.

said William M. Smythe, and shall become invested with as full and complete jurisdiction over the estate of said Smythe as if he had died in Dallas county, and shall execute all the provisions of the law in relation to said estate, as if said court had had original jurisdiction of the estate of said William M. Smythe.

Approved December 3, 1863.

No. 210.]

AN ACT

For the relief of William S. Knox of Dallas county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William S. Knox, of Dallas county, as the administrator of Junius B. King, late of said county, is hereby authorized and empowered to sell at private sale for cash, or on a credit, in or out of the State, a certain negro woman named Pafsey, and her infant child, the property of said estate; *Provided,* the said William S. Knox shall make due report and return of said sale to the Probate Court having jurisdiction of said estate, within the time now required by law.

Approved December 8, 1863.

No. 211.]

AN ACT

For the relief of the heirs of Hardy Abney, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the Court of Probate of Sumter county, on petition of the heirs of Hardy Abney, deceased, to grant an order to the administrator of the estate of said Hardy Abney to divide the property of said decedent, as nearly as possible in accordance with his Will, but setting aside the provisions of the Will that the property shall not be divided during the widowhood of his late wife; *Provided,* the court shall be satisfied that all the parties interested are adults and consent to such division.

Approved November 27, 1863.

No. 212.] AN ACT

For the relief of the estate of William T. Smith, of Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon Sarah A. E. Smith, of Butler county, producing to the Probate Court of Macon county a bond with sufficient surety, approved by said court, conditioned faithfully to execute all and singular the trusts appertaining to said estate of William T. Smith, and to do and perform whatever the law requires in regard to the management and settlement thereof; upon the certificate of said judge that such bond has been given, the administration of said estate, shall be, and is hereby declared transferred to the county of Macon, from the county of Butler; *Provided,* that the said Mrs. Sarah A. E. Smith shall make a settlement of said estate with the Probate Court of Butler county, previous to such transfer.

Approved November 19, 1863.

No. 213.] AN ACT

For the relief of the heirs and representatives of John Flood McGrew.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the claim of John Flood McGrew, as assignee of Hardy Perry, under an act of the Congress of the United States entitled, "an act for the relief of Richard Crevat, Hardy Perry and Bailey Chaney," approved 5th day of July, 1838, is hereby ratified and confirmed, in and to the following land, to-wit: The South half of Section twenty-four, containing three hundred and twenty acres; the North-East quarter of Section twenty-four, one hundred and forty-six acres; the South-East quarter of the South-East quarter, Section thirteen, forty acres—all in township eight, Range two, West. Also, the North-West Fractional quarter of Section thirty, Township eight, Range one, West, containing one hundred and thirty-four acres according to a patent certificate issued by James Magoffin, Register, and E. H. Gor-

Patent to issue

dy, Receiver, at St. Stephens, to representative of said Hardy Perry, dated February 4, 1840. And the Commissioner of Public Lands is hereby required to issue a patent for the same to the heirs and representatives of said John Flood McGrew, assignee of Hardy Perry.

Claim to land confirmed.

SEC. 2. *Be it further enacted*, That the claim of the said McGrew, as assignee of Richard Crevat, under the said act of Congress is also recognized and confirmed in and to the following land, to-wit: Fractional Section twenty-seven, containing four hundred and sixty acres; Fractional Section twenty-eight, containing eighty-nine and fifty one hundredths of acres; the East half of North West quarter of Section twenty-four, containing eighty acres, all in Township eight, Range two, West, according to a patent certificate issued by James Magoffin and E. H. Gordy, Register and Receiver at St. Stephens, Alabama, dated 4th February, 1840. And the Commissioner of Public Lands is hereby authorized, and required to issue a patent for the same to the heirs and representatives of said Crevat. *Provided*, that said patents shall have the same legal effect as if this had been issued upon said certificates by the government of the United States previous to the secession of this State, but shall only act as against this State as a quit claim.

Patent to issue

Proviso

Claim to location confirmed.

SEC. 3. *Be it further enacted*, That the claim of the heirs and representatives of John Flood McGrew, assignee of Bailey Chaney, to locate six hundred and forty acres of land in this State, under the said act of Congress, according to a certificate issued to said Bailey Chaney, signed by James Magoffin and S. S. Houston, Register and Receiver at St. Stephens, Alabama, dated 9th August, 1856, is hereby ratified and confirmed. And it is, and shall be the duty of the Register and Receiver of the Land Office of the proper district, when the same shall be located to issue to the heirs and representatives of said McGrew, a certificate of such location or entry, which shall be patented accordingly.

Certificate to issue.

Approved November 25, 1863.

No. 214.]

AN ACT

For the relief of the estate of O. Mazange.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the administrator of the estate of O. Mazange, deceased, is hereby authorized to cause the cotton belonging to said estate and purchased by said Mazange previous to his death, to be transported to Mobile or other convenient market, and there sell the same for current funds, including State and Confederate Treasury Notes and Bonds; and may employ brokers and commission merchants for the purpose of hauling and disposing of said cotton; and the said bonds, notes, or other current funds, received in payment on such sales, shall be assets of the estate, and be accounted for as such, by the administrator.

May sell cotton

and employ brokers, &c.

Assets

Approved December 8, 1863.

No 215.]

AN ACT

For the relief of Samuel A. Fitts, administrator of William Fitts, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel A. Fitts, administrator of the estate of William Fitts, deceased, be, and he is hereby authorized to work the property of the estate of said William Fitts, deceased, in partnership with James Fitts, on the same terms that said partnership existed during the life time of said William Fitts, deceased; *Provided* that said Samuel Fitts, administrator as aforesaid, shall not be authorized to work the said property as aforesaid, beyond the 1st day of January, 1865.

Partnership continued.

Limitation

Approved December 8, 1863.

No. 216.]

AN ACT

For the relief of the heirs of Cornelia Steele, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Court of Probate for the county of Monroe have authority to take jurisdiction of the administration of the estate of Cornelia Steele, deceased, late of the county of Butler, to grant letters of administration

Judge of Monroe has jurisdiction

thereon, and to do and perform all things necessary or proper to cause the estate of said decedent to be settled and distributed in accordance with the laws of this State as fully and effectually as if said decedent had been a resident citizen of the said county of Monroe at the time of her death.

Approved December 8, 1863.

No. 217.]

AN ACT

For the relief of William M. Selden, Trustee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the trusteeship of William M. Selden, trustee of his wife Elizabeth Selden, and all the papers connected therewith, be and is hereby removed from the Chancery Court of the county of Greene, to the Chancery Court of the county of Marengo, and that the jurisdiction of the Chancery Court of the county of Greene over said trust be, and the same is hereby divested, and the Chancery Court of the county of Marengo be, and is hereby fully vested with jurisdiction over the same, provided the securities of the said William M. Selden, as trustee as aforesaid, signify their assent in writing to such removal.

Trust changed
from Greene to
Marengo

Provided

Approved December 7, 1863.

No. 218.]

AN ACT

For the relief of A. S. Toler, administrator, and Susan J. Pool administratrix of R. R. Pool, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That A. S. Toler, administrator, and Susan J. Pool, administratrix of the estate of R. R. Pool, deceased, late of Perry county, Alabama, be and they are hereby authorized for the space of three years to hire as many negroes as may be necessary to cultivate the lands belonging to said estate.

May hire negroes
to cultivate lands

Approved December 8, 1863.

No. 219.]

AN ACT

For the relief of Berry Driver, of the county of Chambers.

Right of State to
lands released

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State of Alabama hereby release to Berry Driver, of the county of Chambers, all right which the State has to escheat the South-East quarter of Section thirty-six in Township twenty-three and of Range twenty-six, lying and being situate in the county of Chambers, heretofore sold and decreed by Alexander Bell and Margaret Bell to said Berry Driver, the said Alexander Bell and Margaret Bell being aliens.

Approved December 3, 1863.

No. 220.]

AN ACT

To encourage and promote the manufacturing of Lubricating Oil.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Darby, of the county of Macon, and James T. Shelton, of Mobile county, be allowed to manufacture alcohol from grain, for the purpose of converting resin oil into a lubricating oil for the use of railroads, mills and factories, also an illuminating oil for making ether, chloroform and fulminating mercury "for manufacture of percussion caps," and common laboratory uses in his own laboratory.

Darby and Shelton may make alcohol for chemical purposes.

SEC. 2. *Be it further enacted,* That the said John Darby and James T. Shelton be required on oath to swear that they will not make alcohol for any other purposes, nor will they sell or give it to others, that they also be required to give a bond, with two securities, in the sum of two thousand dollars, which shall be forfeited and paid if the above permission is violated.

Oath and bond required

Approved December 7, 1863.

No. 221.]

AN ACT

FAIRBANKS

To authorize the Commissioners' Court of Clarke county to make Salt, &c.

Commissioners
may establish
works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the authority taken by the Commissioners' Court of Clarke county, in establishing county salt works for the purpose of supplying the families of soldiers and indigent families of said county with salt, is hereby legalized.

May sell salt

SEC. 2. *Be it further enacted,* That said Commissioners' Court is herein authorized to sell enough of the salt made at said Salt Works, at the usual market price at the time when said sales may be made, without limitation or restriction, to pay for the costs, charges and expenses of carrying on said works, and to pay back to the county the funds expended by the Commissioners' Court in its establishment; *Provided,* that nothing in this act shall be construed to authorize or conflict with the rights of lessees of the State, or with the State salt works.

Provide

Approved November 27, 1863.

No. 222.]

AN ACT

To repeal "an act to authorize Justices of the Peace to appoint Overseers of Roads and for other purposes in the county of Coosa."

Repeal of act of
1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "an act to authorize Justices of the Peace to appoint overseers of roads and for other purposes in the county of Coosa," approved 25th February, 1860, be and the same is hereby repealed.

Approved November 19, 1863.

No. 223.] **AN ACT**
To repeal an act therein named relating to the county
of Coffee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act entitled "an act to provide for the paying of grand and petit jurors for the county of Coffee," approved December 12, 1853, ^{Repeal of act of 1853.} as authorizes a county tax of four dollars upon suits decided in the courts of said county, be and the same is hereby repealed, and hereafter said tax shall be two dollars, and no more.

Approved November 17, 1863.
No. 224.] **AN ACT**

To authorize Dr. J. S. Hays to erect a mill dam across the Black Warrior river at the Hyche Shoals in Walker county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Dr. J. S. Hays, of Walker county, be and he is hereby authorized to erect a mill dam not exceeding four feet high, across the Black Warrior river in Walker county, at the Hyche Shoals in said river, any law, custom or usage to the contrary notwithstanding. ^{May erect dam}

Approved November 17, 1863.

No. 225.] **AN ACT**

To authorize A. T. Kanady to erect a fish trap in a portion of the Coosa River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That A. T. Kanady, of the county of Coosa, be and he is hereby authorized to erect a fish trap or traps in the Coosa river, between the mouth of Paint Creek and Long Island, on the east side of said river. ^{May erect traps}

Not to obstruct

any law usage or custom to the contrary notwithstanding. *Provided*, the navigation of said river for flat boats, shall not be obstructed thereby.

Approved November 17, 1863.

No. 226.] AN ACT

To abolish the office of Public Accounts in the county of Mobile.

Office abolished

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the office of Auditor of public accounts in the county of Mobile, created by an act approved 9th day of February, 1852, be and the same is hereby abolished from and after the first Monday of August, 1864.

Incumbent continues for term.

SEC. 2. *Be it further enacted*, That the present incumbent may continue in office until the expiration of his present term, the first day of August, 1864.

Repeat

SEC. 3. *Be it further enacted*, That all laws contravening the provisions of this act, be and the same are hereby repealed.

Approved November 17, 1863.

No. 227.]

AN ACT

To authorize Franklin C. Pinkston to erect a gate across the "Ray Road" in Montgomery county.

May erect gate

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Franklin C. Pinkston, of the county of Montgomery be, and he is hereby authorized, to erect a gate across the "Ray Road," in Montgomery county, where said road runs through his land.

Approved November 25, 1863.

No. 228.] **AN ACT**
 To repeal an act entitled "An Act to regulate the number of Grand Jurors in the county of Marion."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An Act to regulate the number of grand jurors in the county of Marion," approved February 2d, 1856, be and the same is hereby repealed.

Repeal of act of 1856.

Approved November 17, 1863.

No. 229.] **AN ACT**

To authorize John S. Moragne and Rufus B. Rhea to build a bridge across Big Wills' Creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John S. Moragne and Rufus B. Rhea are hereby authorized to erect a toll bridge across Big Wills' Creek, at the said J. S. Moragne's mills, on said creek, in DeKalb county, or at or near the old Hampton ford, as they may determine. They are to hold and own the same as tenants in common to themselves, their heirs and assigns, and are authorized to demand and receive from persons crossing on said bridge such toll as the Court of County Commissioners of DeKalb county may from time to time assess; *Provided, however,* this grant shall not preclude the building of a free public bridge across said creek, at any time and within any distance of said bridge.

May erect bridge

How held

Receive toll

Proviso

Approved November 25, 1863.

No. 230.] **AN ACT**

To repeal an act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "an act to authorize Justices of the Peace to appoint apportioners of roads

Act of 1860 repealed.

in Pickens county, and for other purposes," approved February 15, 1860, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all the provisions of chapter 14, article 1, of the Code upon the subject of public roads, which were repealed by the act aforesaid, be and the same are hereby revived and restored to full force and effect in the county of Pickens.

Approved November 17, 1863.

No. 231.]

AN ACT

To regulate the number and pay of Grand and Petit Jurors in the county of Walker.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the Grand Jury in the county of Walker shall consist of fifteen, and no more. Also there shall be but one Petit Jury of twelve, with the right of the Sheriff to fill all vacancies which may occur in said Jury, and he may, if necessary, empanel another Jury from the bystanders present.

SEC. 2. *Be it further enacted*, That the aforesaid jurors shall be entitled to two dollars and fifty cents per day and five cents per mile going to and returning from the court house on the most direct route of travel, out of any money in the county treasury not otherwise appropriated.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved November 27, 1863.

No. 232.]

AN ACT

To repeal a certain local act for Cherokee county, therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Act No. 201, of the regular session of the

Code in force

Grand jury of
Pickens

One petit jury

Pay and mileage

Repeal

Act of 1861 re-
pealed.

General Assembly in 1861, entitled "An Act to authorize the Commissioners' Court of Cherokee to levy a special tax, &c.," approved December 7th, 1861, be and the same is hereby repealed.

Approved November 27, 1863.

No. 233.] AN ACT

Authorizing the Commissioners' Court of Dale county to pay a certain claim.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the County Commissioners of Dale county are hereby authorized to pay Dr. James Bottoms such compensation as they may deem proper for services rendered to the indigent families of Dale county, afflicted with small pox, out of any county funds not otherwise appropriated. May pay Doctor Bottoms

SEC. 2. *Be it further enacted,* That in the event of there being no surplus fund in the county treasury, the Commissioners' Court shall be, and they are hereby authorized and empowered to levy and have collected a tax not exceeding ten per cent. on the State tax for the payment of said claim, when clearly established to the satisfaction of said Commissioners' Court. May levy tax of ten per cent

SEC. 3. *Be it further enacted,* That all laws and parts of laws militating against this act be and the same are hereby repealed. Repeal

Approved November 27, 1863.

THE

No. 234.] AN ACT

To amend Sections 430, 431 and 432 of the Code, as to Shelby county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Sections 430, 431 and 432 of the Code of Alabama be so amended as to Shelby county, that from and after the passage of this act, the tax assessors for said county shall give notice by advertisement, posted Sections of Code amended is to

Notice required

up at three or more public places in each precinct, of the time and place of meeting the tax payers of said beats at least ten days before the time of meeting them.

Assessor to meet twice, &c

SEC. 2. *Be it further enacted*, That the assessor shall meet the tax payers of each precinct in said county at least twice, and his last meeting shall be at least ten days before the 1st day of July.

On failure of tax payer, &c. double tax

SEC. 3. *Be it further enacted*, That each tax payer who shall fail to meet said assessor and furnish him with a list of his taxable property and effects, or in some other way furnish said assessor with such list by the 1st day of July, shall be double taxed.

Assessor to make list.

SEC. 4. *Be it further enacted*, That the tax assessor shall as soon after the 1st day of July, as may be, from the best information within his reach, assess double tax upon each tax payer who shall have failed to furnish a list of his taxable property, as by this act required; *Provided* the tax payer is not a soldier or the widow of a soldier.

Proviso

Commissioners' court may remit on good excuse

SEC. 5. *Be it further enacted*, That if in any case a tax payer who may have been double taxed, who shall have a good excuse for having failed to furnish to the assessor a list as herein required, to be determined of by the Commissioners' Court, may by the first Monday of September, after such assessment, submit his excuse to said Commissioners' Court, and if said excuse be deemed by said court sufficient, said court may remit the excess so assessed, and make the proper allowance.

Approved November 28, 1863.

No. 235.]

AN ACT

To authorize the formation of volunteer companies in the first, second and third Congressional Districts.

County Reserves authorized to form companies

SECTION 1: *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the persons composing class number one, as defined in the third section of an act entitled "an act to reorganize the Militia of the State of Alabama," approved 29th of August, 1863; residing in the first, second and third Congressional Districts, and who are by the provisions of said act exempt from the operations of said act, be and said persons are hereby authorized to

form themselves into one or more companies in their respective counties; such companies to be composed of not less than thirty nor more than sixty rank and file, and entitled to the commissioned officers now allowed by the provisions of said act.

SEC. 2. *Be it further enacted*, That upon the formation of such companies they shall organize by the election of the commissioned officers to which the company may be entitled, and the appointment of non-commissioned officers as follows: If the company shall number forty or more, there shall be four sergeants and four corporals, if less than forty, three sergeants and three corporals. And such company shall return a muster roll of the same to the county commandant or special aid for said county, together with a statement of the number and description of such arms as the company can furnish, a copy of which roll and statement shall be forwarded to the Governor by such county commandant or special aid.

Election and appointment of officers

Muster roll

to be sent to Governor.

SEC. 3. *Be it further enacted*, That whenever such companies have been forwarded and reported as provided by the preceding sections of this act, such company or companies shall be subject to the provisions of the act to re-organize the militia, which are applicable to the first class, or county reserves, defined by said act, and shall be entitled to receive arms and ammunition, as provided by said act: *Provided*, such companies shall not be required to discharge any militia duty beyond the limits of the county in which such companies are organized.

Companies subject to militia law.

May receive arms

Proviso

SEC. 4. *Be it further enacted*, That if in any one county there shall be organized as many as three companies under the provisions of this act, such companies may form themselves into a battalion, for county service, and elect such officers as are required for a battalion by the laws of this State.

Battalions formed

Approved December 4, 1863.

No. 236.]

AN ACT

To enable the treasurer of the county of Calhoun to pay surplus funds in his hands to purposes therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all

Fines, &c., to
credit of county
fund

surplus funds in the hands of the treasurer of the county of Calhoun, now and hereafter arising from fines and forfeitures in the Circuit Courts thereof, be passed over to the credit of all ordinary county claims.

Approved December 3, 1863.

No. 237.]

AN ACT

To divide the county of Tuscaloosa into four Commissioners' Districts.

Commissioners'
districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of County Commissioners for the county of Tuscaloosa, shall at their first regular meeting, in the year 1864, or as soon thereafter as practicable, divide the said county into four Commissioners' Districts, to be numbered from one to four.

Election for each
district.

SEC. 2. *Be it further enacted,* That in all elections for County Commissioners in said county, after the same has been so divided into districts, there shall be a commissioner chosen for each district, who shall reside in the district for which he is chosen, but to be elected by a general vote of the county. The candidate for each district receiving the highest vote in the county, shall be the commissioner for such district: *Provided,* that nothing in this act shall be so construed as to prevent any commissioner now in office from holding the office during the time for which he was elected, and that all laws conflicting with this act be, and the same are repealed.

Proviso

Approved December 3, 1863.

No. 238.]

AN ACT

For the establishment of an additional Ferry on the Alabama River, near the city of Montgomery.

Persons author-
ized to establish

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Porter, Bolling Hall, A. L. Clapp, and C. A. Clapp, and their assigns be, and they are hereby authorized to establish a public ferry on the Alabama

river, near the city of Montgomery, at some point above the Fair Grounds, and within one-fourth of a mile of the steam saw-mill of W. S. Pierce & Co.

SEC. 2. *Be it further enacted*, That said ferry be established and kept up, upon and under the same terms and conditions as are prescribed in Article 3, Chapter 14, Title 13, and part First, of the Code of Alabama, except that the license hereby granted to establish said ferry may be revoked or repealed by the General Assembly of this State at any future session thereof. Code applicable
Liable to repeal

Approved December 3, 1863.

No. 239.]

AN ACT

To repeal an act to compensate Jurors and Witnesses in Monroe county, approved January 5th, 1848.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "An Act to compensate jurors and witnesses in Monroe county," approved January 5th, 1848, be, and the same is hereby repealed: Act of 1848 re-
pealed.
Provided, that the county treasurer of said county of Monroe shall attend at each and every term of the Circuit Court for said county, for the purpose of paying off, Proviso
such jurors and witnesses as may be entitled to be paid at each term of said court.

Approved December 4, 1863.

No. 240.]

AN ACT

To authorize the Court of County Commissioners of Walker county to levy a tax for county purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners of Roads and Revenue in the county of Walker shall have no power to levy more than one hundred per cent. on the State tax for county purposes in one year, any law to the contrary notwithstanding. Limit of taxation

Approved December 3, 1863.

No. 241.]

AN ACT

To regulate the election of Commissioners of Roads and Revenue in the county of Marion.

Election for Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all elections for commissioners of Roads and Revenue in the county of Marion, it shall be the duty of the Sheriff of said county to hold an election in each commissioners' district of said county, for the purpose of electing one commissioner for said county in each of said districts.

Vote in district

SEC. 2. *Be it further enacted,* That in the elections above specified, no person shall be entitled to vote out of the district of his residence.

Terms

SEC. 3. *Be it further enacted,* That said commissioners shall hold their terms of office as now prescribed by law, and shall have power, and it is their duty acting as a court with the Probate Judge, to fill all vacancies in the court by appointment, from the district in which the retiring commissioner lived when the vacancy occurred.

Vacancy how filled

Incumbents continue.

SEC. 4. *Be it further enacted,* That nothing in this act shall be so construed as to prevent the present incumbents from serving out the term for which they were elected.

Approved December 3, 1863.

No. 242.]

AN ACT

To repeal a local law therein named in Jefferson county.

Act of 1851 and amendment repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, an act entitled "An Act to regulate the sale of spirituous liquors in the town of Elyton," approved 16th December, 1851, and the amendment thereto, be and the same are hereby repealed.

Approved December 4, 1863.

No. 243.]

AN ACT

To amend an act entitled "An Act to render more efficient the system of Public Schools in the State of Alabama, so far as relates to Sumter county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter all teachers in Sumter county who have been examined by the county superintendent of public schools of the county and been duly licensed by such superintendent to teach a public school, shall be entitled to draw and receive a proportionate part of the school fund of the township in which any person so licensed shall teach, any law or usage to the contrary notwithstanding.

Teachers to draw
pro rata.

Approved December 8, 1863.

No 244.]

AN ACT

To authorize Richard T. Starr and other persons therein named to marry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Richard T. Starr, whose wife has obtained a divorce from him, be and he is hereby authorized to marry, as if he had never before been married.

Starr

SEC. 2. *Be it further enacted,* That all the provisions of this act be extended, and shall apply to Jerse B. Todd and Mary Todd, of Chambers county.

Todd and Todd

Approved December 8, 1863.

No. 245.]

AN ACT

To amend the charter of the city of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 6 of the charter of the city of Selma, approved February 9, 1852, be and the same is hereby so amended as to insert in said section as part

Council may establish wharf and charge wharfage

thereof, and immediately after the sentence "to regulate the stationary, moorage and anchorage of steamboats and other boats and crafts within their jurisdiction," the following words: "to establish a city wharf, on any lands belonging to said city, and to charge such wharfage on goods and freights landed thereat as the city council may, by its schedule of rates establish, to be collected out of the owner or consignee of said goods and freights: *Provided*, that such schedule of rates for wharfage shall not exceed those that are or may be established at other places upon the river.

Approved November 25, 1863.

No. 246.]

AN ACT

To amend the charter of the city of Huntsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That during the existence of the present war between the Confederate States and the United States, the mayor and aldermen of the city of Huntsville shall have power to prohibit the introduction into the corporate limits of said city of spirituous liquors, and to prohibit the sale of spirituous liquors within said corporate limits, and within one mile of said corporate limits.

May prohibit sale
&c., of liquors.

Approved November 19, 1863.

No. 247.]

AN ACT

To grant further powers to the corporate authorities of the city of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the existing laws upon the subject of the business tax of persons doing business in the city of Mobile be so amended as to enable the corporate authorities of said city to assess and collect from all persons trading or carrying on any business, trade or profession within the limits of said city (mechanics carrying on their trades, or journeyman work excepted), a license tax,

License tax on
occupations au-
thorized.

which shall be assessed in three grades ; the amount of the license tax of the first grade shall not exceed one hundred dollars ; the amount of the second grade shall not exceed fifty dollars ; the amount of the third grade shall not exceed twenty-five dollars. The amount of said license taxes shall be fixed by ordinance from time to time as may be deemed necessary ; and when lesser rates are assessed, the amount of the several grades shall bear the same proportion to each other as the above.

SEC. 2. *Be it further enacted*, That all laws or parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved December 4, 1863.

No. 248.] AN ACT

To repeal "An Act to amend the Charters of the towns of Marion, in Perry county, and Montevallo, in Shelby county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act to amend the charters of the towns of Marion, in Perry county, and Montevallo, in Shelby county, approved December 10th, 1861, be, and the same is hereby repealed.

Approved December 8, 1863.

No. 249.] AN ACT

To amend "An Act to incorporate the city of Montgomery."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the corporate limits of the city of Montgomery, as heretofore defined, be and are hereby so extended as to embrace the following additional metes and bounds, to-wit: The East half of the South-East quarter of fractional section eleven, township sixteen, range seventeen ; commencing again at the South-West corner of fractional section twelve, thence East on the section line to a point where the West line of Holt street, produced,

would intersect said section line; thence direct to the centre of section thirteen, township sixteen, range seventeen; thence South four hundred and sixty feet; thence East six thousand and forty feet; thence North two thousand five hundred feet; thence East eight hundred and sixty feet; thence North to the North line of section seven, township sixteen, range eighteen; thence West on said line to a point where the East line of Decatur street, produced, would intersect said section line; thence North six hundred and sixty feet; thence West to the Alabama river.

SEC. 2. *Be it further enacted*, That the City Council of Montgomery shall have power to change, remodel, or increase the number of the Wards of the city, as they may deem fit.

SEC. 3. *Be it further enacted*, That all laws or parts of laws, in anywise conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved December 7, 1863.

No 250.]

AN ACT

Amendatory of an act to incorporate the city of Montgomery, approved December 23, 1837.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That "an act to incorporate the city of Montgomery," approved December 23d, 1837, be, and the same is hereby so amended as to empower the city council of Montgomery to impose a tax on every cart, dray, wagon and other vehicle used for the transportation of goods and commodities from one part of said city to another, for hire, a tax not exceeding twenty-five dollars where one or two horses are used in hauling the same, and not exceeding fifty dollars where four horses are used; on hacks, fifty dollars; on omnibusses drawn by four horses, one hundred and fifty dollars; on omnibuses drawn by two horses, seventy-five dollars; on every vender of goods, wares and merchandize, drugs and medicines, or either of them, fifty dollars per annum; on auctioneers, a tax not exceeding one hundred dollars per annum; for each livery or sale stable, one hundred dollars; insurance offices, foreign or otherwise, one hundred dollars; negro traders or brokers, two hundred dol-

Hacks

Omnibus

Merchandize

Auctioneers

Stables

Insurance offices

Negro traders

lars; hotels, one hundred dollars; theatres, shows, or other exhibitions, ten dollars for each exhibition; lectures, when an admission fee is charged, except for charitable or benevolent purposes, ten dollars; circuses for each performance, forty dollars; restaurants, fifty dollars; concerts, for profits, ten dollars each; warehouses for storage of cotton, two hundred dollars; companies for the manufacture of gas, two hundred dollars; on licensed day laborers, twenty dollars per annum; on washer women, ten dollars per annum; on barbers, twenty dollars per annum.

Approved December 3, 1863.

No. 251.]

AN ACT

To amend "An Act to repeal an act imposing restrictions on the City Council of Montgomery, and for other purposes," approved 13th January, 1846.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That "An Act to repeal an act imposing restrictions upon the City Council of the city of Montgomery, and for other purposes," be, and the same is hereby amended, so that the City Council of Montgomery shall, from and after the passage of this act, have full power to collect, demand and receive of and from the owners, or consignees, of all goods which shall be landed on or shipped from the Montgomery city wharf or wharves, landing or landings, such wharfrage as said Council shall, from time to time, deem necessary, not exceeding the following rates, to-wit: For each bale of cotton, sixteen cents; for each barrel, ten cents; for each sack of coffee, salt or grain, six cents; for each hogshhead or pipe, forty cents; for each hundred weight of iron or other metal, five cents; for all boxes, packages and merchandize, by measurement, two cents per square foot; for each buggy or sulky, one dollar and fifty cents; for each carriage, two dollars; for each thousand feet of lumber, one dollar; for each horse or cow, twenty cents; for each sheep or hog, five cents; for all steamboats, unless unavoidably detained, not exceeding ten dollars per day, and all barges or flatboats two dollars per day, each day they shall remain at said wharves or landings.

Approved December 3, 1863.

Theatres, &c.

Lectures

Circus

Restaurant

Warehouses

Gas

Laborers

Washer women

Barbers

Rates of wharfrage allowed

Cotton and other merchandize

Stock

Boats

No. 252.]

AN ACT

To attach the road leading from the eastern boundary of Adams street, in the city of Montgomery, to the Line Creek road.

Road precinct

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the road leading from the eastern terminus of Adams street, in the city of Montgomery, to the intersection of the Line Creek road in precinct No. 1, shall be, and hereby is attached to and forms a part of precinct No. 1, of the Line Creek road in Montgomery county, and that the overseer of said precinct No. 1, shall be required to work upon and keep the same in the same repair and order he is required to do of precinct No. 1, of the Line Creek road, and be subject to the same penalties for neglect, omission or default in keeping the same in proper repair.

Approved November 27, 1863.

No. 253.]

AN ACT

To amend "An Act to incorporate the Girard Railroad Company," approved 21st January, 1846.

Section amended

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Section 16 of an act to incorporate the Girard Railroad Company be so amended that all after the word "Provided," where it occurs in said section, be and the same is hereby repealed. *Provided,* that this act remain in force until the ratification of a treaty of peace between the Confederate States and United States, and no longer.

Proviso

Approved December 4, 1863.

No. 254.]

AN ACT

To authorize the construction of a Branch Rail Road therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Alabama and Tennessee River Railroad Company, a body corporate of this State, be and they are hereby authorized and empowered to construct a branch railroad from their present railroad, from such point and in such direction as the board of directors of said company may deem best for the development of the mineral coal in the vicinity of their railroad; and said branch railroad may be so located and constructed as to connect with any other railroad or roads authorized by any law of this State; and in the location and construction of said branch railroad, and in operating the same completed in whole or in part, all the powers and privileges granted to said company by their existing charter, original and amended, shall be applicable to and vested in said branch railroad to the full extent as if the same was fully re-enacted in this act, so far as the same may be pertinent, subject to the stipulations and provisions hereinafter specified. *Provided,* that this branch road shall commence at or near Ashby Station, on the Alabama and Tennessee River Railroad, and shall terminate at or South of Elyton, in Jefferson county. *And provided further,* that it shall not cross the Tennessee and Alabama Central Railroad.

SEC. 2. *Be it further enacted,* That the said branch Railroad may be constructed by the said railroad company alone, or in connection with such persons as may subscribe for stock as hereinafter provided, expressly for the construction of said branch railroad.

SEC. 3. *Be it further enacted,* That the board of directors of said company shall have power to open books of subscription and receive subscriptions on such terms and conditions as they may prescribe, not inconsistent with this act, and for such amount as the said board may deem proper, to be used exclusively in the construction and equipment of said branch railroad. Accurate account shall be kept of the cost of the construction and equipment of said branch railroad, which may be kept separate and apart from the present stock of said company or to be merged in said stock according to the

Branch authorized

May connect

Powers

Provide

Termin

Provide

May construct alone or with others.

Subscription for stock.

Amount of cost &c.

stipulations to be set forth in the subscriptions authorized as aforesaid. If the stipulations in the subscriptions shall so provide, the subscribers shall receive certificates of stock in the said company for the amounts which may be subscribed and paid similar to the certificates issued to the original stockholders of said company; or they may receive special certificates, making them interested to the amount of the certificates respectively, alone in the stock which may be created for the construction and equipment of the said branch railroad; and in the latter case, the said branch railroad shall be owned *pro-rata* by said company and the persons who may subscribe and pay for its construction and equipment, in proportion to the amounts which may be paid; and in this case, the stock of the subscribers for the said branch road shall not be liable for any debt, contract or obligation of said company now existing, or hereafter to be created, except such debt or obligation as may be created or incurred for, or on account of said branch road, with which a special account shall be kept and stated from year to year, setting forth its earnings and expenses.

SEC. 4. *Be it further enacted,* That in case the stock which may be created for the construction and equipment of said branch railroad, shall be separated from the general stock of said company as authorized, the said branch railroad may be placed under the management of a special board of directors, to consist of such a number as may be determined by said company or their board of directors, part of whom shall be chosen by the said company or their board of directors, and part by the individual stockholders in said branch road, the party owning the majority of the stock to choose the majority of the directors; the majority to correspond as nearly as practicable, with the amount of stock owned; the directors of the said branch road to have the power to pass such by-laws and regulations, and to appoint such officers as they may deem necessary and proper for the management of their business.

SEC. 5. *Be it further enacted,* That in the event of the creation of separate stock for the construction and equipment of said branch road as above provided, it shall at any time thereafter be competent for said company and the majority in interest of the individual stockholders of the stock which may be created for the construction and equipment of said branch road, to consolidate said separate stock with, and merge it in the general stock of said

Certificates

Stock not liable
for debts of com-
pany, &c.

Special Board of
Directors

By laws and
officers.

Stock may be
consolidated.

company, on such terms and conditions as may be agreed on.

SEC. 6. *Be it further enacted*, That neither the passage of this act, or anything herein contained, shall be so construed, either in whole or in part, to repeal the eleventh and twelfth sections of an act entitled "An Act to loan and appropriate the three per cent. fund and its interest," approved February 18th, 1860, or in any wise release the said Alabama and Tennessee River Railroad Company from any obligation in said sections, imposed on said company, but the said company are hereby bound in all things, to a faithful compliance with said obligations, to extend the said railroad from Jacksonville to Gadsden, according to the terms, stipulations and agreements in said sections above mentioned.

Approved December 8, 1863.

Not to repeal any part of act to loan two per cent. fund.

Nor release company from extension

No. 255.]

AN ACT

Authorizing the Montgomery Mining and Manufacturing Company to construct railways to and from the different portions of their works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Montgomery Mining and Manufacturing Company, whose mines are located in Talladega county, be and are hereby authorized and empowered to locate, construct and complete, and use and occupy, a railroad from their mines in said county, to their sulphur works, and from thence connecting with their copperas, copper and other works.

Authorized to construct railroad.

SEC. 2. *Be it further enacted*, That said company be, and is hereby authorized to locate said road upon any lands through which it may be necessary for the same to pass, paying the owners of such lands a reasonable compensation therefor, and if said company cannot agree with the owner or owners of the lands as to the price of the same, then upon application of said company, it shall be the duty of the clerk of the Circuit Court of Talladega county to issue a writ of *ad quod damnum*, commanding the sheriff to summon a jury of five good and lawful men to appear upon said land on some specified day, within two weeks from the date of the issuance of the writ, to

Right of way

Compensation.

Writ of *ad quod damnum*.

Verdict when re-
turned.

make true inquest of the damages sustained by the owner or owners of said land, by reason of the taking of such land for the use of said road, and the sheriff is authorized to administer an oath to said jurors, to well and truly decide as to said damages, and the verdict of said jury shall be returned to the office of the clerk of the Circuit Court aforesaid, there to be filed among the records, and shall vest in said company the right to use such lands for the purposes of said railroad, upon payment or the tender of payment of the damages so assessed by the jury aforesaid, against said company.

Prohibition

SEC. 3. *Be it further enacted*, That nothing herein contained, shall be so construed as to authorize said company to locate said road, on or through any land which is occupied by any dwelling house, or the yards and gardens thereto attached, or through that occupied by any stable, gin-house or other building, without the consent of the owner thereof, first had and obtained.

Appeal from ver-
dict to Circuit
Court.

SEC. 4. *Be it further enacted*, That in all cases where either party may be dissatisfied with the verdict of the jury assessing the damages sustained by reason of taking land for the use of said road, as provided for in the second section of this act, said party so dissatisfied, whether the said company or the owner of the land condemned, may appeal to the Circuit Court of Talladega county at any time within three months thereafter, and have the same tried *de novo*, at the first term of the court, on an issue made up under the direction of the same, and it shall be sufficient to authorize the clerk to place said cause on the docket, and to bring either party into court, that his adversary has had him served by the sheriff of said county, with at least twenty days notice in writing, of said appeal.

Trial

Docketing

Notice of appeal

Approved December 8, 1863.

No. 256.]

AN ACT

To incorporate the Central City Insurance Company.

Corporators

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That C. E. Thames, A. S. Huntington, W. S. Knox, J. E. Prestridge, W. M. Smith and W. M. Byrd and such others as may hereafter be associated with

them, and their successors are hereby declared and created a body politic and corporate, by the name of The Central City Insurance Company, and by that name shall be capable of suing and being sued in any of the courts of law and equity in this State as a natural person. They shall have power to purchase, hold and enjoy real and personal estate of any description whatever, and may dispose of the same at pleasure, and shall have power, generally, to do and perform any and every act necessary to be done to carry into effect the objects of this charter, not inconsistent with the laws and constitution of this State and the Confederate States. They may have and use a common seal and may alter the same at pleasure.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, the whole of which shall be paid in at the time of subscribing, and shall be divided into shares of one hundred dollars each; and the Board of Directors may, at any time after the organization of said company, increase the capital stock of the company to three hundred thousand dollars, at their discretion, under such regulations as they may think best to adopt.

SEC. 3. *Be it further enacted*, That the office of the company shall be in the city of Selma, county of Dallas. The book of subscription shall be opened in the city of Selma at any time prior to the first day of March next, and at such place in said city as a majority of the persons named in the first section of this act may determine, and shall be kept open until the sum of fifty thousand dollars shall be subscribed and paid in; and the persons aforesaid, or a majority of them, shall, as soon as the sum of fifty thousand dollars has been subscribed and paid in, call a meeting of the stockholders who shall proceed to the election of not less than three and not more than seven directors, as may be determined upon by them; and said Board of Directors shall proceed to elect one of their own body president, and the said president and directors shall have full power and authority to appoint and remove at pleasure all officers and agents of said corporation; to fix their compensation; prescribe their duties, and provide for taking of bonds of officers for the protection and security of said corporation; they shall have power to fill all vacancies which may occur in their own body of any unexpired term; shall appoint a president *pro tem.*, if necessary, in the

absence of the president ; and said directors shall have full power to remove from office the president and elect another in his place, if they shall think proper to do so.

General election
for directors, &c.

SEC. 4. *Be it further enacted*, That the directors shall be elected by the stockholders, and the president by the directors from among their own number, and when elected shall hold their office one year from date of such election, and until their successor shall be elected ; and it shall be the duty of the president and directors to call an annual meeting of the stockholders to make such election ; and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum ; each stockholder shall be allowed one vote for each share of stock he holds, and the stock may be represented in person or by proxy in writing, but no person shall act as proxy who is not himself a stockholder.

Qualifications for
vote

Powers of corporation

Take risks

SEC. 5. *Be it further enacted*, That said corporation shall have power to make insurance on ships and all other sea vessels, and steamboats and all other river crafts ; on all goods, wares and merchandize, slaves, bullion, money, and other property, against all marine or river risks ; and upon houses, stores, or other buildings ; goods, wares, and merchandize of every description, against fire, and to fix a premium thereon ; also to insure the lives of persons and property, and to fix the rate of insurance thereon ; to receive from any free persons or corporation deposits on trust, and to accept all such trusts or agencies, within the scope of its business, as may be confided to it ; it shall have power to borrow

Borrow money, &c.

money and issue its bonds therefor ; to invest its money or property in any way, thing, or any manner which would be lawful for a citizen to invest money or property in ; and the said property and securities to sell and transfer at pleasure ; it may loan money or property

Loan money, &c.

to any person or persons, or corporation, on any security it may think proper ; the corporation shall have power to purchase, discount and sell bills of exchange and promissory notes, subject to the laws against usury ; to receive on deposit for collection promissory notes and bills of exchange, charging the usual rates therefor ; the said corporation shall not make or issue any bills, bonds, or notes to circulate in the community as money, and all bills, bonds, notes and other securities made payable at the office of said corporation shall be subject to the same rules of law, and to the same legal remedies, as if made payable at any of the banks of this State.

Buy and sell Exchange.

SEC. 6. *Be it further enacted*, That the president and directors of said corporation shall have power to fix the mode of the transfer of the certificates of stock, as well as the time, mode, and places of payment of interest and dividends; and a majority of the Board of Directors shall constitute a quorum. The said corporation shall also have power to pass all such by-laws, rules and regulations as may be necessary to carry into effect the provisions of this Charter, and to carry on the business of said corporation, which are not inconsistent with the provisions of this Charter, and the laws and constitution of this State and the Confederate States; and said corporation shall have power to make all such contracts, by the president and directors or by such agents as they may appoint, as may seem to them most to the interest of said corporation: and said president and directors may, by resolution or by law, create all such officers and agents, not herein named, as they may determine to be necessary to carry on their business; they shall have power to prescribe an oath, and to require each officer and agent to take and subscribe the same, before he enters on the duty of his office, and they shall fix and prescribe the amount of each bond to be given by the officers.

Transfer of stock

Dividends
Quorum

By law

Contract

Officers & Agents

Oaths and bonds

SEC. 7. *Be it further enacted*, That said corporation shall be liable to its creditors to the full amount of its property and assets, and the several stockholders shall be liable to creditors of the corporation to the extent of their stock subscribed and not paid in.

Liability of stock
holders

SEC. 8. *Be it further enacted*, That this Charter, and all the privileges herein contained and granted, shall remain in full force for the period of thirty years from the date of its approval.

Duration of Charter

Approved November 28, 1863.

No. 257.] AN ACT

To amend the Charter of the Eufaula Home Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled "An Act to incorporate the Eufaula Home Insurance Company," approved February 8th, 1861, and the several acts amendatory there-

Increase in Capital stock

of, be, and the same are hereby amended so as to authorize the Board of Directors of said Insurance Company to increase the capital stock of said company to one million of dollars.

Increase of franchise.

SEC. 2. *Be it further enacted*, That all the franchise and privileges conferred upon the "Mechanics' Aid Association of Selma," in the fourth section of an act entitled "An Act to incorporate the Mechanics' Aid Association of Selma," be, and the same are hereby granted to the Eufaula Home Insurance Company.

Approved November 28, 1863.

No. 258.]

AN ACT

To amend "An Act to incorporate the Eufaula Marine and Fire Insurance Company," approved February 9th, 1861.

Time for opening books extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled "An Act to incorporate the Eufaula Marine and Fire Insurance Company," approved the 9th day of February, 1861, be and the same is hereby amended by extending the time within which the books of subscription for stock in said company may be opened to the 1st day of July, 1864.

Approved November 25, 1863.

No. 259.]

AN ACT

To increase the capital stock of the Woodville Insurance Company.

Capital stock increased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "An Act to incorporate the Woodville Insurance Company," approved February 9th, 1861, be so amended as to allow an increase of the capital stock of said company to any amount not exceeding five hundred thousand dollars.

Approved November 19, 1863.

No. 260.]

AN ACT

To increase the capital stock of the Selma Insurance and Trust Company, and the Planter's and Merchant's Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Planters and Merchants Insurance Company in Selma, and the President and Directors of the Selma Insurance and Trust Company, and each of them be, and they are by this act authorized and empowered to increase the capital stock of their respective companies by additional subscriptions to the sum of six hundred thousand dollars, to be subscribed and paid in such manner as they by their respective boards of directors may prescribe.

Approved November 19, 1863.

No 261.]

AN ACT

To incorporate the Factors' and Grocers' Marine and Fire Insurance Company of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a company is hereby incorporated for the purpose of transacting a general Insurance business, in the city of Mobile, under the name and style of the "Factors' and Grocers' Marine and Fire Insurance Company."

SEC. 2. *Be it further enacted*, That the said company shall have power to sue and be sued, to have a common seal, and to change or alter the same at pleasure, to hold, purchase, convey and dispose of all kinds of estates, real and personal, to receive and accept agencies, to appoint such subordinate officers and agents as in the opinion of the directors, the business of the company requires, prescribe their duties, and fix their compensation. To make by-laws not inconsistent with the existing laws of this State or of the Confederate States, for the transfer of its stock, the management of its property, or the regulation

of its affairs, and to alter and amend the same at their pleasure. To make notes and draw bills of Exchange, and to endorse and transfer its bills receivable, to discount bills of Exchange and promissory notes, or buy and sell the same. To buy and sell gold, silver, bullion or foreign coin. To receive deposits on trust. To borrow money. To loan its funds on any public stock of incorporate companies, or obligations of the States, or that of the Confederate States, or to invest the same in real or personal securities; and generally to do all things necessary to carry into execution the powers herein granted; *Provided*, that nothing herein contained shall authorize said company to exercise banking privileges, or of issuing bills to circulate as money.

SEC. 3. *Be it further enacted*, The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand, whenever the stockholders deem it expedient to do so, divided into shares of one hundred dollars each, ten dollars on each share to be paid in at the time of subscribing, and the remainder in such instalments as the directors may appoint.

Stockholders failing to pay, judgment and stock forfeited.

SEC. 4. *Be it further enacted*, That if any stockholder shall fail or refuse to pay the amount due for his stock, according to the call of the directors, the company may obtain judgment against him, by motion and three days' notice, in any of the courts of this State, and if execution shall be returned, *no property found*, such stockholder shall forfeit his stock, or the amount paid into the company.

Commissioners to open books.

SEC. 5. *Be it further enacted*, That Br. Tardy, Samuel Wolf and C. H. Minge are hereby authorized to open books in the city of Mobile, for subscriptions to said capital stock, which said books shall continue open until one hundred thousand dollars is subscribed, when the company may organize and commence business.

Directors how elected, &c.

SEC. 6. *Be it further enacted*, That the affairs of the company shall be conducted by a board of five directors, each one of whom shall own at least twenty shares of stock, to be elected by the stockholders, and hold their office for one year, and until their successors are elected and qualified. They shall not be directors in any other insurance companies, and before entering on the duties of their office, shall take and subscribe such oath as the stockholders may prescribe for them. The board of directors shall have power to elect one of their number

Powers of directors.

President of the company, and to fix his salary, and to pass by-laws herein before provided for, which, however, shall be subject to revision or alteration by the stockholders in general meeting.

SEC. 7. *Be it further enacted*, That as soon as the sum of fifty thousand dollars shall be subscribed, the said commissioners, Br. Tardy, S. Wolf and C. H. Minge shall give notice for three weeks published in one of the newspapers of the city of Mobile, calling the stockholders together at such time and place as they shall suggest in said notice, for an election of directors. The election shall be by ballot, each stockholder being entitled to one vote for each share of stock owned by him, and he may vote by proxy in meeting or personally, which election shall be held and conducted by said commissioners. All subsequent elections shall be held under the directions of board of directors, or in such manner as may be prescribed by the stockholders in general meeting.

SEC. 8. *Be it further enacted*, That the said company shall have power to make general insurances upon houses, gin houses, cotton, corn and other produce, upon lives, and health, of both white persons and slaves, upon live stock of every description, upon vessels, freights, steamboats and ships of every kind, upon all sorts of goods, wares and merchandize, money, gold, silver, bullion and foreign coin, and every other species of property, against loss by fire, dangers of the sea, river and any other risks, and to fix premiums for the same, and to do all other things appertaining to a general insurance business. That the President and one director, or two directors, in absence of the President, shall be sufficient to make insurances, and all policies subscribed by the President, or two directors, and countersigned by the Secretary, shall be binding upon the company.

SEC. 9. *Be it further enacted*, The said company shall have power to receive in trust, or on deposit, money or funds of any kind that may be offered to them, on interest or otherwise, and give their receipts and obligations for the same, and such deposits and trust funds shall in no case be liable to the debts or obligations of said company, growing out of its insurance business.

SEC. 10. *Be it further enacted*, That in case of a vacancy occurring in the board of directors, the remaining directors may fill said vacancy by electing any stockholder qualified under this charter, to hold until the next general election.

Stock liable for
debts due com-
pany.

SEC. 11. *Be it further enacted*, That any stock in said company owned by any person or persons indebted to said company, or liable to said company, either as principal or security, and whether such indebtedness or liability be due or not, shall be held by said company as security on said indebtedness or liability, which lien shall continue until the said indebtedness or liability shall be fully paid and satisfied. And in case the said owner shall fail to pay his said indebtedness (whether he is principal or security), within twenty days after the same shall be due and payable, the directors shall have power to sell the said stock to the highest bidder, at public auction, in the city of Mobile, or so much as may be necessary, first giving at least twenty days notice of the time and place of said sale, in one of the newspapers of said city, and apply the proceeds thereof to the payment of said debt and the costs and expenses of said sale, or as much thereof as will pay the sum, and the President shall give to the purchaser a certificate of his purchase, which shall convey a good title thereto.

How sold.

Contracts how
made.

SEC. 12. *Be it further enacted*, That all contracts made by said company for the payment of money, or for the assignment of its effects, or sale of its property, must be in writing, signed by its President, and countersigned by its Secretary, and be authorized by a resolution of its board of directors.

Liability to taxa-
tion.

SEC. 13. *Be it further enacted*, That the amount of capital stock of said company actually paid in, and its property, shall at all times be subject to same rules of taxation as the property and stock of like corporations in this State.

Agencies

SEC. 14. *Be it further enacted*, That said company shall have power to establish such agencies consistent with the laws of this State, as they may deem expedient and for the interest of the corporation.

Liability of stock-
holders.

SEC. 15. *Be it further enacted*, That each stockholder shall be liable for the debts and obligations of said company to the full extent of the stock subscribed by him, but no more.

Duration

SEC. 16. *Be it further enacted*, That this act shall take effect from the day of its approval by the Governor, and shall continue in force for twenty years.

Statement of as-
sets & liabilities.

SEC. 17. *Be it further enacted*, That the President of said company shall on the first Monday in January in each year, make out, under oath, a complete statement of the affairs of the company, showing its assets and liabili-

ties, and publish the same in one of the newspapers in the city of Mobile, and on failure to comply herewith, the charter of the company shall be forfeited.

Approved December 4, 1863.

No. 262.]

AN ACT

To incorporate the Montevallo Coal Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. W. Waller, T. H. Watts, L. E. Parsons, Alex'r White, Jno. Konan, Joel Riggs and I. T. Tichnor, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby made and constituted a body corporate, in fact and in name, under the style and title of "The Montevallo Coal Mining Company," and by that name shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and realize, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature or quality, which the body corporate may deem necessary to carry all the objects of said corporation into full force and effect, to the amount of one million of dollars; which objects are to mine, transport and sell coal, and the same to sell, grant, demise, alien, and dispose of; to sue and to be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having jurisdiction; to make, use, and have a common seal, and the same to break, alter and renew at pleasure; to own and hold in perpetuity such quantity of land as may be sufficient to supply said company with abundance of coal for its business.

SEC. 2. *Be it further enacted,* That said body corporate shall have power to construct one or more railway tracks from their coal mines to the Alabama and Tennessee river railroad and the branch of the Tennessee and Alabama central railroad, and the South and North Alabama railroad, and may levy and collect tolls from all persons, property, merchandize and other commodities transported thereon. The said corporation shall have the privilege of prescribing the number of shares into which the capital stock of said corporation shall be divided; the

Corporators

Name

Powers and privileges

Capital

May construct railway

Shares

Proviso

Officers

By laws

Liability of
stockholderCorporation not
dissolved on fail-
ure to elect
officers.

Right of way

Writ of *ad quod
dammum*

mode in which it shall be taken, paid, transferred or assigned, and also to prescribe the mode by which stockholders may vote, and the number of votes to which each share shall be entitled; *Provided*, nevertheless, that the rules adopted shall be uniform, equally securing the rights of each stockholder; and also to provide for the election of such officers as may be deemed necessary for the government of the affairs of said corporation, and also to ordain, establish and put into execution such by-laws, ordinances and resolutions as they may deem necessary and expedient for the government of said corporation, not being inconsistent with the laws of the State of Alabama, or of the Confederate States, and in general to do and execute all and singular the acts, matters and things which may be necessary for mining, transporting and selling coal; *Provided*, also, that no stockholder shall be held liable for more than the amount of his or her stock in said corporation.

SEC. 3. *Be it further enacted*, That if the officers are not elected by the stockholders of said company on the day fixed by the by-laws or ordinances, the corporation shall not for this cause be dissolved, and it shall be lawful to hold said election on some other day, according to the rules of said corporation.

SEC. 4. *Be it further enacted*, That the said company shall have the right to contract with the owner or owners of land for the right of way for their tracks from the coal mines to the Alabama and Tennessee river railroad and to the branch of the Tennessee and Alabama central railroad, and to the North and South Alabama railroad, and for lands sufficiently near to and adjoining said railroads for coal depots and necessary turn-outs and tracks; and if the owner or owners of the land, which may be required for such purposes, and the corporation cannot agree about the same, then it shall be lawful for said company, acting by its agent or agents, to apply to the clerk of the Circuit Court of the county in which the lands may be situated, for a writ of *ad quod damnum*, who shall issue the same directed to the sheriff of his county, commanding and requiring him to summon seven disinterested freeholders of his county, whose duty it shall be to attend the summons of such sheriff, to view the premises and assess the damages which the owner or owners of the land may sustain, by the condemnation for the use of said company, for land for the right of way, as aforesaid (not exceeding one hundred feet in

width for each track) and for coal depots and turn-outs and tracks, as aforesaid, not exceeding ten acres at any one place on or near such railroads; any five of the jury who may be summoned, shall be authorized to render a verdict, and may act alone; the person or persons whose lands is sought to be condemned, shall have as much as five days written notice, if a resident of the county in which the land may be situated, of the time and place appointed for the meeting of the jury of review; if not a resident of the county, or of the State, shall have, in addition to the five days notice, two days at least for every fifty miles of his or their residence from the place appointed for the assembling of the jury, which shall be on the land sought to be condemned; which notice shall be sent by the sheriff of the proper county in official character, or by his deputy, who may also summon the jury provided for, and also do whatever act is by this act required of the sheriff. If the lands sought to be condemned shall belong to the estate of a deceased person, the notice required shall be served on his, her, or their administrator or executor; if to a minor or minors, on their guardian; if to a non-resident, the notice shall be given by advertisement for four consecutive weeks in some newspaper published nearest to the lands sought to be condemned, which notice for publication shall be signed by the clerk of the Circuit Court, and set out the facts as far as may be required for a proper notice. It shall be the duty of the sheriff to attend promptly to the duties required by this act, and for a failure he shall be liable to be sued, as for neglect of duty in other cases, and for his services he shall be allowed such compensation as is by law allowed for similar services; it shall be his duty in person, or by deputy, to attend said jury in making their review; when the jury shall, by reviewing the premises and by such other evidence as may be adduced, become satisfied of the damages which the owner or owners of the land to be condemned may sustain by the condemnation, they shall render their verdict in writing, which shall be subscribed by such of the jury as may concur in it, and be attested by the sheriff, or his deputy, and by him returned to the office of the Circuit Court of the proper county, who shall preserve the same, and furnish a certified copy of it to the parties desiring and paying therefor. If either party be dissatisfied with the verdict of the jury, the dissatisfied party may appeal to the Circuit Court of the county in

Verdict

Notice

How served

Liability of sheriff.

Four

Verdict how returned

Appeal

Notice of

Property vests

Payment how
made.Costs by whom
paid.

Oath of jurors

which the lands shall lie, if the appeal be taken in thirty days after the rendition of the verdict, giving the opposite party as much as five days notice of the appeal; if no appeal should be taken in the specified time, the lands sought to be condemned shall vest in and become the property of the company, on the payment by the company of the sum assessed by the jury as the damages to be sustained by the owner or owners of the land, which payment of the damages may be made to the Judge of the Probate Court of the county in which the lands lie, in the absence of the party entitled to receive the money, for which said judge shall be held responsible on his official bond, to the party entitled; the costs of the proceedings, in case no appeal be taken, to be paid by the company, and the question of damages and costs to be determined by the jury in the Circuit Court, and satisfaction of the payment founded on such verdict in the Circuit Court, to vest the title of the lands sought to be condemned in said company. The jury who may be empannelled to try the matters in controversy shall take an oath, or solemn affirmation, to render their verdict without partiality, and according to truth and justice.

Approved December 8, 1863.

No. 263.]

AN ACT

To incorporate the Mobile and Selma Coal Mining Company.

Corporators

Title

Power, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That C. E. Thames, W. M. Smith, Walsh Smith, M. Waring, J. D. Spear, Geo. O. Baker and their associates be, and are hereby constituted a body corporate under the name of the Mobile and Selma Coal Mining Company, and by that name shall be made able to have, purchase and receive, possess and enjoy, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, effects of all kinds, which the body corporate may deem necessary to carry out the objects of said corporation, which objects are to mine, transport and sell coal. To sue and be sued in all courts having jurisdiction, to make, use and have a common seal, and the same to alter and renew at pleasure, and to own such quantity

of land in Shelby county or the other counties in this State, as may be sufficient to supply said company with an abundance of coal for its business.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one thousand dollars each, which shares shall be deemed personal property, and be transferred in such manner, and at such places as the by-laws of said corporation shall provide or direct; *Provided, also*, that no stockholder shall be liable for more than the amount of his or her stock in said corporation, but shall be liable for all debts to that extent, during the time he or she may have been a stockholder.

SEC. 3. *Be it further enacted*, That said company shall have the right to contract with the owner or owners of land for the right of way for their tracks from their coal mines to the Alabama and Tennessee rivers railroad, or any other railroad, and for land sufficiently near said railroads for coal depots and necessary turn-outs and tracks, and if the owner or owners of the land required for such purposes cannot agree about the same, then it shall be lawful for said company, acting through its agents, to apply to the clerk of the Circuit Court in the county in which the lands may be situated, for a writ of *ad quod damnum*, who shall issue the same, directed to the sheriff of his county, commanding him to summon seven disinterested freeholders of his county, and whose duty it shall be to attend the summons of the sheriff to view the premises, and assess the damages which the owner or owners of the land may sustain by the condemnation for the use of said company, for use of land for right of way as aforesaid, not exceeding one hundred feet in width for each track, and not exceeding five acres for any coal depot or turn-outs; and five of the jury shall be authorized to render a verdict, being first duly sworn to render an impartial verdict, by any justice of the peace of said county. The person whose land is sought to be condemned, shall have as much as five days' notice of the time and place of the meeting of the jury for the review and assessment of damages; *Provided*, each party (if dissatisfied with the verdict of the jury) shall have the right of appeal to the next Circuit Court of the county. The jury shall render their verdict in writing, subscribed by them, and attested by the sheriff or his deputy, and by him returned to the clerk of the Circuit Court, who shall preserve the same in his office,

Capital stock

Liability of stock holders.

Right of way, &c

Writ of *ad quod damnum*

Notice

Appeal

Return of finding

Use to vest

and furnish a certified copy of it to the party desiring and paying therefor. If no appeal shall be taken within thirty days after the verdict of the jury, the use of the lands sought to be condemned shall vest in said company on payment of the damages assessed by the jury; the cost of these proceedings shall be paid by the company.

Powers

SEC. 4. *Be it further enacted*, That said corporation shall have full power to prescribe rules and regulations, appoint agents, and do all things necessary for the government of said company, not inconsistent with the laws of the State of Alabama and of the Confederate States.

Approved December 8, 1863.

No. 264.]

AN ACT

To incorporate the Cahaba Iron and Coal Mining Company.

Corporators

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel Wolff, B. Tardy and Henry H. Ware, and such other persons as now are, or may hereafter be associated with them, are hereby constituted a body corporate, with power to sue and be sued, contract and be contracted with, to hold, alien and convey real and personal estate of all kinds, and to have and use a common seal, and the same to change and alter at pleasure, to make and create contracts, promissory notes, drafts, bills of exchange, and other obligations, all of which shall be binding on said corporation.

Powers, &c.

Name, &c.

SEC. 2. *Be it further enacted*, That said corporation shall be known by the name of the Cahaba Iron and Coal Mining Company, and may purchase, hold and enjoy property, may purchase and own coal and iron lands, and open and work iron and coal mines in any part of the State of Alabama; *Provided*, that the capital stock of said company shall not be less than fifty thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments as may be required by the company.

Capital stock

Officers

SEC. 3. *Be it further enacted*, That said corporate body shall have power to elect and appoint such officers and agents, and to ordain and provide such rules and regula-

tions for their government and conduct, as it shall deem appropriate to its business, not in conflict with the constitution of this State and of the Confederate States.

SEC. 4. *Be it further enacted,* That said corporation shall have power to open iron and coal mines, to transport all iron and coal, and generally to do all things pertaining to the business of mining and selling iron and coal.

Mining and
transportation

SEC. 5. *Be it further enacted,* That as soon as the books are opened, and the sum of fifty thousand dollars is subscribed, the company may organize and go into business, and may be conducted by such directors or officers or agents, as may be prescribed by their by-laws, which shall be adopted by the stockholders in general meeting.

When organized

SEC. 6. *Be it further enacted,* That the company shall have a lien on the stock of each individual, for the indebtedness of such stockholder to the company, whether as principal or security, and if any stockholder shall be indebted to said company, or shall fail to pay his subscription as the same shall be called for, a judgment may be had against him in favor of said company, in any of the courts of this State, by motion and ten days' notice.

Lien on stock

SEC. 7. *Be it further enacted,* That the individual liability of any stockholder shall not extend beyond the amount of stock subscribed by him, but each stockholder shall at all times be liable to said company or to the creditors of the company, to the full extent of his subscription not actually paid in.

Liability of stock-
holders.

Approved December 8, 1863.

No. 265.]

AN ACT

To incorporate a Mining and Manufacturing Company.

WHEREAS, Isaac J. Moses, James Denson, B. L. Wyman and Henry C. Moses have formed themselves into a company for the purpose of mining and manufacturing iron, and whereas for more conveniently carrying on the operations of said company, the said parties desire an act of incorporation:

Preamble

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Isaac J. Moses, James Denson,

Corporators

B. L. Wyman and Henry C. Moses, and such persons as they may hereafter associate with them, and their successors and assigns, shall be, and are hereby created a body corporate and politic by the name and style of the Calhoun Iron Works, and by that name shall be capable in law of suing and being sued in any of the courts of this State, or of the Confederate States, to have, hold, purchase, seize and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of all kinds whatsoever, and the same to grant, devise, alien and dispose of at pleasure, and also to make, have and use a common seal, and the same to alter and renew, as they may deem proper, and also to make, ordain and establish such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this State or of the Confederacy, or repugnant to the fundamental laws of this corporation, and generally to be vested with all the rights and powers which usually appertain to corporate bodies.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be fifty thousand dollars, in shares of one thousand dollars each, with the privilege of increasing the same to three hundred thousand dollars.

SEC. 3. *Be it further enacted,* That the business of said company shall be managed by a board of directors, to be elected by the stockholders, each share having one vote, which may be voted personally or by proxy. The said board of directors shall consist of three stockholders, to be elected annually, and to hold their offices until their successors are elected and qualified.

SEC. 4. *Be it further enacted,* That said board of directors shall annually elect from their number a President, by whom, and by whose authority all the contracts of said company shall be signed, and he shall hold his office until his successor is elected and qualified.

SEC. 5. *Be it further enacted,* That the said board of directors shall elect such subordinate officers as they may deem expedient, who shall hold their offices during the pleasure of the President and directors, and no longer.

SEC. 6. *Be it further enacted,* That the business of said corporation shall embrace all the business required for the mining and manufacture of iron.

SEC. 7. *Be it further enacted,* That said company must go into operation in two years from the passage and approval of this act, or forfeit their chartered rights.

Approved December 8, 1863.

No. 266.]

AN ACT

To incorporate the Selma Iron Works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That H. H. Ware, C. E. Thomas, W. M. Smith, C. G. Wayne and F. A. Woodson, and such others as may be hereafter associated with them for the purpose herein named, and their successors in office, are hereby declared a body politic and corporate, by the name of the "Selma Iron Works," and by that name shall be capable in law of suing and being sued in any of the courts of law and equity in this State as a natural person. They shall have power to purchase, hold and enjoy real and personal estate of any description whatever, and may dispose of the same at pleasure, and shall have power to generally do and perform any and every act necessary to be done to carry into effect the objects of this charter, not inconsistent with the laws and constitution of this State and of the Confederate States. They may have and use a common seal, and alter the same at pleasure.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall and may consist of the real and personal estate owned and occupied by C. E. Thomas & Co., as a foundry situated in the city of Selma, and such other personal and real estate as said company may think for their interest to purchase, have and hold, not to exceed in value the sum of five hundred thousand dollars.

SEC. 3. *Be it further enacted,* That said capital stock shall not be less than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and may be increased at any time to five hundred thousand dollars, and said stock shall be deemed and held in law as personal estate.

SEC. 4. *Be it further enacted,* That said stockholders may elect a board of directors, to consist of not less than three or more than seven in number, said directors to be elected by the stockholders, under rules to be prescribed by the corporators thereof; when said directors shall be so elected, they may from their own number elect a President, who shall hold his office for one year, and until his successor shall be elected. Said board of directors shall have power to elect all agents necessary to carry on the business of the company; they shall have power to require bonds from all officers and agents of the company,

prescribe the duties of all, and remove any officer or agent at pleasure; they shall have power to prescribe rules and regulations, and generally to do and perform all things which a natural person could do, in order to the proper prosecution of their business.

Object & powers SEC. 5. *Be it further enacted*, That said corporation shall have power to manufacture any and every thing that is made of iron, brass, copper, lead, zinc, or any another metal, and to manufacture any thing that is made of wood, and especially to make castings, and roll iron of all sorts.

Limitation and liability. SEC. 6. *Be it further enacted*, That said corporation shall and may exist for thirty years from the passage of this act, and that the whole assets and property of the corporation shall be liable to its creditors for the debts of the same, and each stockholder shall be liable to creditors for his stock not paid up.

Approved December 8, 1863.

No. 267.] AN ACT

To incorporate a Rolling Mill Company.

Preamble

WHEREAS, John D. Gray, Isaac J. Moses, B. L. Wyman, Henry C. Moses, W. C. Bibb, E. H. Metcalf and A. J. Rogers have formed themselves into a company for the purpose of doing the business generally done in a rolling mill, and whereas for the more conveniently carrying on the operations of said company, the said parties desire an act of incorporation:

Corporators

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John D. Gray, Isaac J. Moses, B. L. Wyman, Henry C. Moses, W. C. Bibb, E. H. Metcalf and A. J. Rogers, and such persons as they may hereafter associate with them, and their successors and assigns, shall be, and are hereby created a body politic and corporate, by the name and style of the Montgomery Rolling Mills, and by that name shall be capable in law of suing and being sued in any of the courts of this State or Confederate States, to have, hold, purchase, to seize and to retain to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects of any kind whatsoever, and the same to grant, devise, alien

Name

Powers, &c.

and dispose of at their pleasure, and also to make, have and use a common seal, and the same to alter and renew as they may deem proper, and to make, ordain and establish such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this State or Confederacy, or repugnant to the fundamental laws of this corporation, and generally to be vested with all the rights and powers which usually appertain to corporate bodies.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, in shares of one thousand dollars each, with the privilege of increasing the stock to five hundred thousand dollars. Capital stock

SEC. 3. *Be it further enacted*, That the business of said company shall be managed by a board of directors, to be elected by the stockholders, each share having one vote, which may be voted personally or by proxy; that the said board of directors shall consist of three stockholders, to be elected annually, and to hold their office until their successors are elected and qualified. Directors

SEC. 4. *Be it further enacted*, That said board of directors shall annually elect from their number a President by whom and by whose authority all the contracts of said company shall be signed, and said President shall hold his office until his successors are elected and qualified. President

SEC. 5. *Be it further enacted*, That the said board of directors shall, whenever they deem the business of said company requires it, elect such subordinate officers as they deem necessary; and the said subordinate officers shall hold their offices during the pleasure of the President and directors and no longer. Officers how elected

SEC. 6. *Be it further enacted*, That the shares of said corporation shall not be transferrable without consent of the majority of the stockholders voting by shares, which consent shall be recorded in the stock book of said company, in which the transfer is made. Transfer

SEC. 7. *Be it further enacted*, That the business of said corporation shall embrace all the business required for the manufacture of iron. Intent

Approved December 8, 1863.

No. 268.]

AN ACT

To incorporate the Oakfuskee Manufacturing Company.

Corporators

Name

Powers, &c

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin J. Wilson, together with such other persons as may hereafter be associated with him, and their successors be, and they are hereby made and constituted a body corporate in fact and in name, under the name, style and title of "The Oakfuskee Manufacturing Company," and by that name shall be, and are hereby made able and capable in law to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind or amount said corporation may deem necessary to carry all the objects of said corporation into full force and effect, and may sell, grant, convey or otherwise dispose of the same; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; to make, use and have a common seal, and the same to alter, break and renew at pleasure, and to do all other acts incident to a body corporate and politic.

Object

Location

Control
Water, &c.Prevent fishing,
&c.

Share

Vote

SEC. 2. *Be it further enacted,* That the objects of said corporation shall be the manufacture of wool and cotton into thread or cloth, the manufacture of meal, flour, lumber, shingles, boards, or such branches or parts thereof as they see proper to engage in. The place of business shall be at Wilson's factory, in Randolph county, Alabama; and to enable the said Benjamin J. Wilson to carry out the purposes of this charter, he and his associates and successors may control and use the water of the Big Tallapoosa river by locks, dams, canals, or otherwise, for manufacturing purposes generally; and to secure their property against loss by fire or other injuries, may prevent persons from fishing in the river or pond, at or near their mills or factory in the night, or make fires at any time within three hundred yards of the factory buildings.

SEC. 3. *Be it further enacted,* That said body corporate shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which

each share shall be entitled, that the rules adopted shall be uniform, equally securing the rights of each stockholder: and also to provide for the election of such officers ^{Officers} as may be deemed necessary for the government and management of the affairs of said corporation: to ordain, establish and put in execution such by-laws, ordinances ^{By-laws} and resolutions as they shall deem necessary and expedient for the government of said corporation, not being inconsistent with the constitution and laws of the State of Alabama, or of the Confederate States: and in general to do and execute all and singular the acts, matters and things which may be necessary for manufacturing, subject to such restriction as may be hereafter imposed ^{Restriction} by the Legislature, not inconsistent with the objects for which this act of incorporation is granted.

SEC. 4. *Be it further enacted*, That if officers are not elected by the stockholders of said corporation on the day fixed by the by-laws or ordinances, the corporation shall not for that cause be dissolved; and it shall be lawful to hold said election on some other day, according to the by-laws of said corporation. ^{Corporation not dissolved, &c.}

SEC. 5. *Be it further enacted*, That if any person shall sell ardent spirits or intoxicating liquors within one mile ^{Sale of spirits prohibited} of the factories or mills of said corporation, by the retail or otherwise, such person or persons shall be subject to indictment in the Circuit Court of the county in which the selling or retailing may be done, and may be liable to all the pains and penalties by the laws then in force, concerning retailing without license, except for medicinal purposes.

SEC. 6. *Be it further enacted*, That said corporation shall not exercise banking privileges, but is authorized to carry the foregoing granted powers into execution, according to the true intent and meaning thereof. ^{Restriction}

Approved December 8, 1863.

No. 269.]

AN ACT

To incorporate the Dallas Oil Works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That C. E. Thames, C. G. Wayne, J. C. Graham, D. H. Golson, H. H. Ware, N. Waller, A. DeLoffe, J. Brady and J. W. Lapsley, of Dallas county, and their future associates and successors, be and they are hereby ^{Corporators}

Name	created a body corporate, by the name of "The Dallas Oil Works," and in and by that name shall have continual succession, and may sue and be sued, contract and be contracted with, have and use, and alter at pleasure, a common seal; may enact all by-laws and regulations deemed proper in and for the conduct and management of their affairs, and change or repeal the same at pleasure; and may appoint or elect annually, or at such other time or times as they may deem proper, a board of directors and such officer or officers as they may determine; and may confer on the board of directors (who shall be members of the corporation), and officers to be appointed or elected, such powers, and impose such duties as may be prescribed in and by the laws of the corporation, not inconsistent with the laws and constitution of this State, or of the Confederate States. The proper and legitimate business of said corporation is hereby declared to be to manufacture oil and such other article or articles as may be made from materials used in the manufacture of oil, and to dispose of the same.
Powers, &c.	
Directors and officers.	
Business	
Capital stock.	
Vote	SEC 2. <i>Be it further enacted</i> , That the capital stock of the company shall be of such amount as shall be fixed by agreement among the corporators, not less than twenty thousand dollars, nor more than one hundred thousand dollars, to be divided into shares of such amount as may be fixed by agreement, or by the by-laws of the corporation. Every corporator or stockholder shall, in all conventions of the corporators, be entitled to one vote for every share of stock owned; and it shall require a representation of a majority of all the stock of the corporation, by the owner of the stock, or by his duly authorized agent, to constitute a quorum in convention or meeting, for the transaction of business.
Quorum	
May hold property.	SEC 3. <i>Be it further enacted</i> , That the said corporation shall have the right to purchase and own all such property, real or personal, as may be needful and convenient in the business of the corporation, to be determined by corporators in convention, or by the board of directors to be chosen by them, with power to sell and convey, or otherwise dispose of the same. The corporators shall have power to admit new members of the corporation, as they may deem proper, and on such terms as they may prescribe: <i>Provided</i> , nothing in this act shall authorize the corporators to invest more than twenty thousand dollars in the purchase of real estate.
Province	

Approved November 28, 1863.

No. 270.]

AN ACT

To incorporate the East Freight Forwarding Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. H. Barnes, J. E. Simpson, S. S. Barnaby, J. M. Willis, J. J. Arrington, Saml H. Chiles, J. C. Lopez, W. W. Simpson, P. H. Brittan, and Barnett Phillips, and their associates, successors and assigns, be, and they are hereby declared to be a body corporate and politic, by the name of the "East Freight Forwarding Company," of the Confederate States, for the purpose of doing a general forwarding business over the several railroad and steamboat lines, or other modes of conveyance that may be deemed desirable, in the Confederate States of America, and by that name contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law and equity whatsoever; and may make, and have, and use a common seal, to be changed at pleasure.

Corporators

Name

Object and powers.

SEC. 2. *Be it further enacted,* That the capital stock of this company shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each, and in case the said capital stock be found insufficient for its purposes, this company may increase its capital stock, from time to time, to such amount as may be deemed necessary for the purposes aforesaid, not exceeding one million of dollars; such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of stock of the company present, or represented, at a meeting of such stockholders.

Capital stock.

Limitation

SEC. 3. *Be it further enacted,* That this company shall not commence business until its capital stock is fully subscribed, and one hundred thousand dollars of the same actually paid in.

Not to commence until stock subscribed.

SEC. 4. *Be it further enacted,* That this company shall have power to do a forwarding business, by land or by water, for the carrying of goods, wares, and merchandise of all kinds, and generally all such other descriptions, or modes of conveyance of property, as may be required or deemed advisable by the said company, from, to, and between any places in the Confederate States, by their own conveyance or those of other persons, and to create and organize branch agencies for the

Privileges Forwarding

Agencies

May insure

Liability for
losses, &c.

Principal office

Branch offices

Meeting of direc-
tors where heldUnclaimed
freights, how dis-
posed of.

Notice

Provide
Notice to shipper

same purpose : and to hire, establish and maintain store-houses, warehouses and other buildings, and to purchase lands to build thereon such store-houses, and other buildings as may be required for the safe-keeping of anything entrusted to them for conveyance ; and shall have power to indemnify themselves by insurance against losses or damage by fire, or the risk of navigation in the transportation of any goods, wares, or merchandize, or other property in their custody, received by them for transportation, or held by them as their property ; *Provided*, said company shall at all times be liable for losses, defaults, and miscarriages to the same extent as other common carriers in this State are liable ; and whenever goods or other articles are forwarded by them on railroads, or other conveyances not their own, they shall answer for the negligence, default, or miscarriage of such rail road, or other conveyance, to the same extent as if they were the owners thereof.

SEC. 5. *Be it further enacted*, That the principal office of said company shall be kept at Atlanta, Georgia, unless the same be changed by a vote of two-thirds of the directors, at a meeting called for that purpose, to any other place, and the said company may establish as many branch or local offices as their business may require.

SEC. 6. *Be it further enacted*, That the regular meetings of the board of directors of said company shall be had at the principal office of the company. Special meetings of its directors, for the transaction of business, may be had at any place which the majority of the directors, with the approval of the President, may appoint.

SEC. 7. *Be it further enacted*, That if the said company shall have unclaimed freight or baggage, not perishable, in its possession, for the period of at least one year, it may proceed to sell the same at public auction, after giving notice to that effect, in one or more newspapers published in the State, or at the place where such goods are to be sold, once a week for not less than four weeks, and shall also keep a notice of such sale posted for the same time, in a conspicuous place in the principal office of the said company, said notice shall contain as near as practicable, a description of such freight or baggage, the place and time, when and where left, together with the name and residence of the owner or person to whom it is consigned, if the same be known ; *Provided*, that no sale shall take place until thirty days previous notice shall be given to the shipper or consignee of

such articles, or an affidavit shall be filed that they reside out of this State, or that they are unknown to the principal officer of said company, and on diligent enquiry could not be found.

SEC. 8. *Be it further enacted*, That all moneys arising from the sale of freight or baggage as aforesaid, after deducting therefrom charges and expenses for the transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight and baggage, shall be paid by the company to the persons entitled to receive the same, and the said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proof of advertisement and posting, affidavit of sale, with the amount for which each parcel sold, the total amount of charges against such parcel, and the amount held in trust for the owner, which books shall be opened for inspection by claimants, at the principal office of the said company, and at the office where the sale was made.

Disposition of
proceeds of sale

SEC. 9. *Be it further enacted*, That in addition to the stock and the property of said company, each stockholder shall be individually liable for all debts, defaults and miscarriages of said company accruing while he is a stockholder, to an amount equal to the amount of stock owned by him at the time of the creation of said debt or accrual of liabilities.

Liability of stock
holders

SEC. 10. *Be it further enacted*, That the fiscal year of this company shall commence on the first day of January in each year, and terminate on the last day of December in each year, and the duration of this charter shall be twenty years.

Fiscal year and
duration of charter

SEC. 11. *Be it further enacted*, That the corporate powers of this company shall be vested in and exercised by a board of directors of this company, to consist of the elective officers, agreeably to the by-laws of said company, who shall hold their office until others shall be elected in their places, as hereinafter provided.

Directors

SEC. 12. *Be it further enacted*, That every election of directors of this company shall be held on the first Monday in August, each year subsequent to the year one thousand eight hundred and sixty-three, in the city of Atlanta, or wherever the principal office may be located, as the board of directors for the time being shall appoint, and public notice shall be given by the said directors in at least two of the public newspapers printed in the city of Atlanta or wherever the principal office may be lo-

Election of directors when and
where held.

Notice

Who elected	cated, at least three times in each week for two successive weeks immediately preceding the time of holding such election, and the said election shall be made by such shareholders of this company as shall attend for that purpose, either in person or by proxy, and elections for directors shall be by ballot, and shall be conducted by two or more inspectors, neither of said inspectors shall be a director or officer of this company. The five persons who shall have the greatest number of votes shall be directors, and within one week after the election, they shall proceed to elect by ballot one of their number, who shall be their president and the president of this company, and whenever any vacancy shall happen by death, resignation or otherwise, such vacancy or vacancies may be filled for the remainder of the year in which the same shall happen, by the remainder of the directors or a majority of them, but the failure to elect directors at the time hereinbefore mentioned, shall not operate to dissolve this company, and it shall be the express duty of the board of directors in case of accidental or unavoidable omission to take measures for such election with all reasonable speed, in the manner hereinbefore provided; the board may also elect from their number a vice president, who shall possess such of the powers and perform such of the duties of the president as the board of directors may by the by-laws or by resolutions from time to time direct: <i>Provided</i> , that the officers, agents and employees of said company shall not be exempt from military duty by virtue of their being such officers, agents or employees, if otherwise liable.
President	
Vacancy, how filled.	
Failure to elect does not dissolve	
Vice-president how elected	
Proviso	
Vote of stockholder	<p>SEC. 13. <i>Be it further enacted</i>, That each stockholder shall be entitled to one vote on each share of the said stock, but in order to exercise such right, he shall have had said shares in his own name at least thirty days prior to the time of voting.</p>
Eligibility of directors.	<p>SEC. 14. <i>Be it further enacted</i>, That no person shall be eligible to the office of director unless he be a holder of one hundred and twenty-five shares or more of the capital stock of the company. If any director shall cease to be a stockholder, his office thereupon shall be vacant.</p>
Secretaries and other officers.	<p>SEC. 15. <i>Be it further enacted</i>, That the board of directors shall have power to appoint one or more secretaries and such other officers, agents, clerks and servants as may be deemed necessary, and to fix and at pleasure to change, the salaries or allowances of any of them.</p>
	<p>SEC. 16. <i>Be it further enacted</i>, That three of the di-</p>

rectors shall constitute a quorum of the board for the transaction of business, and the board may delegate power to transact any of its business to committees of directors, or its officers, or agents, as it may deem proper, and the board may by a majority of their whole number, make such by-laws as may be deemed necessary for the management of the property, the government of the officers, the regulation and conduct of the affairs, and for the transfer of the stock of this company.

Quorum

Board may delegate.

By-laws

SEC. 17. *Be it further enacted*, That the number of the directors of the company may be changed in conformity to law by the vote of two-thirds of all the directors in office, at any time, not within thirty days next, previous to an election.

Number of Directors.

SEC. 18. *Be it further enacted*, That the minutes of the proceedings of the board of directors shall be kept, and the same shall be entered in a book to be provided for that purpose, and signed by the President or acting chairman, or secretary.

Minutes

SEC. 19. *Be it further enacted*, That the President of the company, for the time being, in his absence or inability to act, the vice President or such other member of the board of directors as the board shall appoint, with all or any of the powers of such President, shall preside at any meeting of the board of directors at which he shall be present, and shall at all times have a right to vote therein; and is hereby authorized and empowered, under the direction of the board of directors, and in the name and behalf of the company, to make contracts for the forwarding or transportation of freight of all kinds, with any person or persons, or body politic, or corporate, on railroads, steamboats, or other mode of conveyance, for such term or terms of time, for such premium or consideration, and under such restrictions and considerations as may be agreed on between this company and the persons, or body politic, or corporate, agreeing with them for such contract or contracts, which shall be subscribed or signed by the President or vice President (if there be a vice President), or in case of absence or incapacity to act, of the permanent presiding officer or officers, by such other member of the board of directors as such board shall authorize to act temporarily, with all or any of the powers of such President, and shall be countersigned, and shall be binding and obligatory upon the company in like manner and with like force as if made under the seal of the company.

Powers and duties of president

Dividends

SEC. 20. *Be it further enacted,* That the board of directors, out of the funds of this company, shall defray all its expenses and pay its debts, and twice in each year may declare and pay such dividends as they shall deem expedient, out of the net profits of its business, to the shareholders, or their authorized attorneys, but no dividend shall ever be made by this company, when its capital stock shall be impaired, or when the making of such dividend would have the effect of impairing its capital stock.

Suits and service of process.

SEC. 21. *Be it further enacted,* That any suit against said company to recover for any debt or liability thereof, may be brought in any county in this State, where such debt or liability accrued, or where any of the local officers are situated, and service of process on the chief officer of said company, or in his absence, on any local officer or agent of the company, shall be sufficient.

Approved December 8, 1863.

No. 271.] **AN ACT**

To incorporate the Brundidge Male and Female Academy, in the county of Pike, in the State of Alabama.

Incorporated

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the academy in the town of Brundidge, in the county of Pike, is hereby incorporated by the name of the "Brundidge Male and Female Academy," and by that name shall be known and called, and shall exist as a corporation.

President and Trustees

SEC. 2. *Be it further enacted,* That the President and Trustees of the Brundidge Male and Female Academy, and their successors in office, elected in accordance with article 2, section 11 of the revised school law of the State of Alabama, shall have a general supervision over said school; they shall have power to contract for the services of teachers, to receive, by gifts or otherwise, money or property, to the value of five thousand dollars, for the benefit of said Brundidge Male and Female Academy, the title to which shall rest in them as trustees, and not otherwise, and shall pass to their successors.

Extent of value of property.

SEC. 3. *Be it further enacted*, That the sale of brandy, rum, whisky, gin, wine and all other intoxicating liquors whatever, is hereby prohibited within the distance of two miles in every direction from said academy, in the town of Brundidge, and the same shall not be sold within the above specified limits, either by retail or wholesale, except for medicinal or sacramental purposes; and for every violation of the provisions of this act, the person or persons so violating it shall be subject to indictment, and upon conviction shall be fined not less than fifty dollars nor more than one thousand dollars, one-half of said fine to be paid to the County Treasurer, and the other half to the Trustees for the use of the said Brundidge Male and Female Academy.

Sale of liquors prohibited.

Penalty for violation.

SEC. 4. *Be it further enacted*, That every attempt to evade the provisions of the third section of this act, by giving or offering to give away intoxicating drinks, with the understanding expressed or implied that some remuneration is to be received in something at that or some future time, shall be deemed and held a violation of said third section, and every person so offending shall be subject to indictment, and on conviction the same penalty as imposed in said section three.

Evade

SEC. 5. *Be it further enacted*, That should any person violate the third section of this act, from whom the fine specified cannot be collected by due process of law, the person or persons so violating said section shall be imprisoned in the county jail for the term of not less than three months not more than six months, for each violation.

Failing to pay fine

SEC. 6. *Be it further enacted*, That it shall be competent for the General Assembly of this State to repeal any provisions of this act, upon the petition of a majority of the citizens residing within two miles of the said Brundidge Male and Female Academy.

Repeal

Approved November 25, 1863.

MEMORIAL AND JOINT RESOLUTIONS

OF THE

THIRD ANNUAL SESSION.

JOINT MEMORIAL

To the War Department for the relief of the 26th Regiment Alabama Volunteers.

This General Assembly learning with regret that the gallant 26th Alabama regiment, which has fought in every battle in Virginia, Maryland and Pennsylvania, from Williamsburg to Gettysburg, and has upheld with a firm hand and unfaltering courage the flag of our country, and acquired for themselves a name which will never die, has been reduced by death in battles, in hospitals, and by disabilities arising from wounds, &c., from six hundred and seventy-six men in March, 1862, to two hundred and twenty-five enlisted men, after taking off details for detached and extra duty, it musters but one hundred and eighty muskets, and learning also that the said regiment is in danger of being consolidated with some other regiment, and thereby lose its name, a necessity greatly to be regretted by all, and deeply mortifying to the members of that brave and noble body of veteran soldiers, who are desirous of being transferred to Tuscaloosa, Alabama, or to Columbus, Mississippi, for the purpose of recruiting its ranks to its original number, from the counties of Tuscaloosa, Fayette and Marion, where it has a glorious name and a host of friends, who will gallantly rush to its standard to sustain its organization and fame; the said regiment is also desirous to receive orders to report to Gen. Forrest so soon as the same shall be recruited, therefore

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Secretary of War of the Confederate States be, and he is hereby requested to grant the request of the said regiment: Provided, it shall not be in his opinion in conflict with the public interest.

Approved December 7, 1863.

JOINT RESOLUTIONS.

Donating a Section of Land and Medal to Miss Emma Sansom, of Cherokee county, in consideration of public services rendered by her.

A Nation's history is not complete which does not record the names and deeds of its heroines, with those of its heroes, and revolutions sometimes throw the two in such close proximity that the history of the manly bearing of the one is imperfect unless coupled with the more delicate, yet no less brilliant achievement of the other, and such must ever be the history of the most gallant and successful victory of the intrepid Forrest, unless embellished with the name and heroic acts of Emma Sansom.

Upon discovering the difficulties which embarrassed the advance of our brave army in pursuit of a Yankee raid, under the lead of Col. Streight, produced by the burning of a bridge across Black Creek, near the residence of her mother, in Cherokee county, Emma Sansom, inspired with love of country, indignant at Yankee insolence, and flushed with hope inspired by the arrival of a pursuing force, exalting herself above the fears of her nature and the timidity of her sex, with a maiden's modesty and more than woman's courage, tendered her services as a guide, and in the face of an enemy's fire, and amid the cannon's roar, safely conducted our gallant forces by a circuitous route to an easy and safe crossing, and left them in eager pursuit of a fleeing foe, which resulted in a complete and brilliant victory to our arms within the confines of our own State. By her courage, her patriotism, her devotion to our cause, and by the great public service she has rendered, she has secured to herself the admiration, esteem and gratitude of our people, and a place in history as the heroine of Alabama. As a testimonial of the high appreciation of her services by the people of Alabama,

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That one section of the unappropriated public lands of this State be, and the same is hereby granted to Miss Emma Sansom, of Cherokee county, to be by her selected, in subdivisions or otherwise, outside of the lands reserved for saline purposes, for which a patent or patents must issue.

2. *Be it further resolved,* That the Governor of the State is hereby required, as soon as the same can be consistently done, to procure a gold medal, inscribed with suitable devices commemorative of the deeds which these resolutions with their preamble are designed to perpetuate, and present the same in the name of the people of Alabama to the said Emma Sansom, as a further testimonial of the respect and gratitude of this State for her services aforesaid.

3. *Be it further resolved*, That the Governor of this State furnish to Miss Emma Sansom an authenticated copy of these resolutions. And it is further made the duty of the Governor to issue the necessary notice and instructions to the land officers of this State to carry out the provisions of the first of these resolutions.

Approved November 27, 1863.

JOINT RESOLUTION

Directing the Commissioner of Public Lands to withhold Patents in certain cases.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Commissioner of Public Lands be, and he is hereby required to withhold the issuing of patents for the coal and iron lands entered under the third section of an act entitled "An Act to increase the price of certain public lands belonging to the State of Alabama," approved December 9th, 1862, until otherwise directed by the Legislature of Alabama.

Approved December 7, 1863.

JOINT RESOLUTIONS

For the purchase of Stationery and Fuel.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purchase of stationery and fuel for the use of the State.

2. *Be it further resolved*, That the Comptroller of Public Accounts issue his warrant on the State Treasurer, in favor of the Secretary of State, for the above amount, or so much thereof as may be required, to be paid out of any money in the treasury not otherwise appropriated: *Provided* that the vouchers for purchases made under this appropriation shall be filed in the Comptroller's office.

Approved December 3, 1863.

JOINT RESOLUTION

Appointing 10th day of December as a day of fasting, humiliation and prayer.

WHEREAS, His Excellency Joseph E. Brown, Governor of the State of Georgia, recommends that Thursday, the 10th day of December, be set apart as a day of fasting, humiliation and prayer; that the Congress of the Confederate States, the Legislatures of the different States, our army and navy, and all the people be, and are hereby respectfully requested to unite with the people of Georgia in strict observance of that day;

And Whereas, The General Assembly of the State of Georgia, in accordance with said recommendation of Governor Brown, in view of our national calamity and distress, declare it to be the solemn duty of all the people of these Confederate States to humble themselves before God, and with penitence for our past sins, national, social and individual, and with an honest, earnest desire to obey His laws, implore through the merits of our Saviour, His forgiveness and plead for wisdom to guide us. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we cordially concur in the said recommendation, and that Thursday, the 10th day of December be, and said day is hereby set apart as a day of fasting, humiliation and prayer by the people of the State of Alabama, and the Governor of this State be and he is hereby requested to issue his Proclamation to the people thereof, asking that all unite in the proper observance of the day.

Approved December 3, 1863.

JOINT RESOLUTIONS

JOINT RESOLUTIONS

In relation to the Steamer Florida.

WHEREAS, Under the Joint Resolutions passed by the General Assembly of this State, approved December 10th, 1861, the Governor awarded to the owners of the steamer Florida, the sum of ninety thousand dollars, and which steamer was turned over to the Confederate States, and on the 29th day of April, 1863, Congress passed an act directing the Secretary of the Treasury to pay the State of Alabama the sum of ninety thousand dollars in eight per cent. bonds of the Confederate States for said steamer, and whereas the Bonds

paid by the State to the owners of said steamer had coupons attached for the interest from July 1st, 1862, while the coupons attached to the bonds received by the State from the Confederate Government give interest from April 22d, 1863, the date of the act of Congress, thus leaving a balance of interest yet due the State of five thousand eight hundred and forty dollars; therefore,

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the opinion of this General Assembly, the claim of the State of Alabama upon the Confederate Government for the balance of interest due on the bonds delivered to the State for the steamer Florida, is just and should be paid by the Confederate States, and that our Senators and Representatives in Congress be requested to secure the appropriation refunding the balance due the State.

2. *Be it further resolved,* That his Excellency the Governor be and he is hereby authorized to dispose of the bonds received from the Confederate Government in payment of said steamer, upon such terms as he deems best, and to pay the proceeds into the State Treasury.

3. *Be it further resolved,* That His Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, and to the Secretary of the Treasury.

Approved December 7, 1863.

JOINT RESOLUTION

To secure the passage of a law exempting certain persons from payment of Confederate "Tax in kind."

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to secure the passage of a law exempting from the payment of the Confederate "tax in kind," the people residing in all those parts of the State of Alabama which have been overrun by the public enemy.

Approved November 28, 1863.

JOINT RESOLUTIONS

To exempt from the payment of the tax in kind, the families of soldiers, whose support is derived from white labor alone.

1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in Congress be instructed, and our Representatives requested to use their efforts to secure the passage of an act by Congress to exempt from the payment of the "tax in kind," the families of all soldiers in the service of the Confederate States, or either of them, whenever the support of such families is derived entirely from the proceeds of white labor.

2. *Be it further resolved,* That the Governor be requested to cause a copy of these resolutions to be forwarded to each of the Senators and Representatives in Congress from this State.

Approved November 28, 1863.

JOINT RESOLUTION

In testimony of the wisdom and patriotism of John Gill Shorter, Governor of the State of Alabama.

WHEREAS, His Excellency John Gill Shorter, Governor of the State of Alabama, during his term of office, about to expire, has been surrounded by unusual and extreme responsibilities; and whereas, these responsibilities have been met with a highly commendable patriotism highly deserving the thanks of the people of the State of Alabama; and whereas, the proud position Alabama has attained to in this revolutionary struggle for Southern independence, is attributable greatly to the wisdom and energetic efforts of His Excellency:

Be it resolved, the Senate concurring, That John Gill Shorter, the present Governor of the State of Alabama, has exhibited a capacity adequate to the circumstances surrounding his term of office, and highly deserving the thanks of the people of the State of Alabama.

Approved December 4, 1863.

JOINT RESOLUTION

In respect to the enforcement of the Conscript Law of the Confederate States.

WHEREAS, It is absolutely necessary that the whole military strength of the country shall be speedily brought into requisition for the defence of our rights and the establishment of our independence. This great desideratum must be supplied by the energetic enforcement of the conscript law of the Confederate Congress. For some cause, the provisions of said law have not been carried into effect in such a manner as to produce the results anticipated. Within the last few months, Alabama, Mississippi, and that part of Tennessee not in possession of the enemy, have been assigned to Brigadier General Gideon J. Pillow, as the field of his operations. With that zeal and ability which has ever characterized Gen. Pillow, he has infused new life and vigor into the system, and from the small territory under his control, he has sent many thousands of stragglers, deserters and conscripts to fill up the shattered regiments of our gallant army. Had the same efficiency been exercised in other States, our ranks would have been swollen far beyond their present numbers; therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we recommend our Senators and Representatives in Congress to use their official influence to have the jurisdiction of General Pillow's Bureau so extended as to cover a larger area, if not the whole of the States of this Confederacy.

Approved December 4, 1863.

JOINT RESOLUTIONS

In relation to Taxation and the Confederate Currency.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the opinion of this General Assembly, the people of Alabama will cheerfully submit to any tax which the Congress may impose for the purpose of reducing the volume of the currency and appreciating its value. *Provided the tax be not too oppressive in amount, or unequal in its operation.*

2. *Be it further resolved*, That the financial scheme originated and recommended by the Convention of Bank officers, recently held in Augusta, Georgia, to-wit: the issue of one thousand million of dollars of bonds of the Confederate States, with coupons attached, payable in coin, and the imposition of a tax of sixty millions of dollars, to be paid in coin or the coupons of said bonds, is disapproved by this General Assembly.

3. *Be it further resolved*, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, and also a copy to the Governor of each State in the Confederacy.

Approved December 8, 1863.

JOINT RESOLUTION

In relation to the services of General Joseph E. Johnston.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the country recognizes in General Joseph E. Johnston, one of its truest, bravest and ablest military chieftains, and would hail with universal satisfaction his appointment to the command of an army commensurate with his unquestioned skill and eminent services.

Approved December 7, 1863.

OFFICE OF SECRETARY OF STATE,

Montgomery, Ala., February 20, 1864.

I HEREBY CERTIFY, that the foregoing Acts, Memorial, and Joint Resolutions, are correct copies from the original rolls now on file in this office.

P. H. BRITTAN, Secretary of State.

TABLE

OF THE

RATES OF INTEREST IN THE SOUTHERN AND CONFEDERATE STATES.

Compiled in pursuance of an Act approved February 18, 1848.

Maryland.....	6 per cent.	South Carolina.....	6 per cent.
North Carolina.....	6 " "	Kentucky.....	6 " "
Tennessee.....	6 " "	Georgia.....	7 " "
Alabama.....	8 " "	Florida.....	6 " "
Virginia.....	3 " "		by contract. 8 " "

Arkansas—Legal interest, 6 per cent.; conventional interest, 10 per cent.

Texas—Legal interest, 8 per cent.; conventional interest, 12 per cent.

Missouri—Legal interest, 6 per cent.; conventional interest, 10 per cent.

Mississippi—Legal interest, 8 per cent.; on lent money, 10 per cent.

Louisiana—Legal interest, 5 per cent.; bank interest, 6 per cent.; conventional interest, 10 per cent.

OFFICE OF SECRETARY OF STATE,

Montgomery, Ala., Feb. 20, 1864.

Certified to be correct.

P. H. BRITTAN, *Secretary of State.*

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ERRATUM.

On page 18, last line, for "property" read "paper."

NAMES OF SENATORS AND THEIR POST OFFICES

NAMES.	DISTRICTS.	POST OFFICES.
Walker, T. A., President....	Calhoun,.....	Jacksonville.
Taul, Micah, Secretary.....
Morgan, John P., Ass. Sec'y.
M'Cullough, —, Door-keeper.
Barnes, W. H. T.	Chambers.....	Chambers C. H.
Beeson, C. G.	Blount and St. Clair..	Ashville.
Brodnax, E.	Clarke, Baldwin and Monroe.....	Suggsville.
Cato, L.	Barbour.....	Eufaula.
Clarke, W. E.	Greene and Marengo..	Dayton.
Coleman, A. J.	Marion and Fayette..	Millport.
Coman, J. P.	Limestone & Morgan..	Athens.
Critcher, James.....	Marshall & DeKalb...	Guntersville.
Davis, DeWitt C.	Coffee, Conecuh and Covington.....	Andalusia.
Ervin, R. H.	Dallas and Wilcox...	Camden.
Garrett, William.....	Coosa.....	Socapotoy.
Groce, B. W.	Talladega.....	Mumford.
Hammond, F. L.	Madison.....	Marion.
Harrison, E.	Lowndes and Butler..	Montgomery.
Hill, J. A.	Lawrence, Walker and Winston.....	Jasper.
Jackson, W. M.	Franklin.....	Tuscumbia.
Ligon, R. F.	Macon.....	Tuskegee.
Lewis, J. A.	Russell.....	Columbus, Ga.
Matthews, W. D.	Tallapoosa.....	Youngenville.
Moren, E. H.	Perry and Bibb.....	Centreville.
McCall, D. A.	Pike.....	Perote.
Payne, J. J. W.	Pickens.....	Yorkville.
Peacock, R. P.	Dale and Henry.....	Skippensville.
Porter, M. T.	Shelby and Jefferson..	Elyton.
Powell, E. A.	Tuscaloosa.....	Tuscaloosa.
Reavis, Turner.....	Sumter, Choctaw and Washington...	Gainesville.
Rice, S. F.	Montgomery and Autauga.....	Montgomery.
Rice, F.	Jackson.....	Princeton.
Stewart, James W.	Lauderdale.....	Florence.
Toulmin, T. L.	Mobile.....	Mobile.
Wood, W. T.	Randolph.....	Chulafinna.

NAMES OF REPRESENTATIVES AND THEIR POST OFFICES.

NAMES.	COUNTIES.	POST OFFICES.
Grenshaw, W. H., Speaker	Butler	Manningham.
Elmore, Albert, Clerk.		Montgomery.
Clitherall, A. B., Ass. Clerk.		
Henshaw, F., Eng. Clerk.		
Brundidge, M., Door-keeper.		
Armstrong, H. W.	Randolph.	Chulafinna.
Ashe, G. W.	St. Clair.	Branchville.
Ashe, T. P.	Washington	St. Stephens.
Ashurst, R.	Tallapoosa.	Tallassee.
Atkinson, Ben.	Pickens.	Bridgeville.
Barron, M. D.	Randolph.	Louina.
Beard, A.	Marshall	Guntersville.
Bell, E.	Dallas	Bellview.
Benners, A.	Greene.	Greensboro.
Bethea, T. B.	Montgomery.	Montgomery.
Bishop, W. A.	Tuskaloosa.	Tuskaloosa.
Bradley, J. C.	Madison.	Huntsville.
Brandon, John.	Cherokee.	Guntersville.
Brooks, J. R.	Pike.	Buck Horn.
Bryan, C. J.	Macon.	Tuskegee.
Bryers, R. B.	Baldwin.	Teason.
Brown, P.	Jackson.	Bellfonte.
Carlisle, G. W.	Pike.	Brundidge.
Chambers, W. H.	Barbour.	Eufaula.
Chapman, J. H.	Perry.	Marion.
Charlton, G. P.	Morgan.	Somerville.
Chisolm, T. H.	Lauderdale.	Florence.
Clarke, J. S.	Lawrence.	Moulton.
Cobb, Alexander.	Fayette.	Davis Creek.
Coleman, Wiley.	Greene.	Eufaw.
Cooper, T. B.	Cherokee.	Centre.
Cox, W. R.	Pike.	Brundidge.
Cumming, S. H.	Monroe.	Monroeville.
Davis, J. W.	Bibb.	Centreville.
Davis, M. L.	Marion.	Pikeville.
Dawson, N. H. R.	Dallas.	Selma.
Dent, A. A.	Tallapoosa.	Dudleyville.
Donnell, J. W. S.	Limestone.	Athens.
Edwards, Jephtha.	DeKalb.	Duck Spring.
Ellis, R.	Blount.	Blountsville.
Evans, J. S.	Choctaw.	Bladen Springs.
Fannin, A. B.	Macon.	Tuskegee.
Foster, J. T.	Choctaw.	Butler.
Franklin, Q. L. C.	Dale.	Newton.

NAMES OF REPRESENTATIVES AND THEIR POST OFFICES.

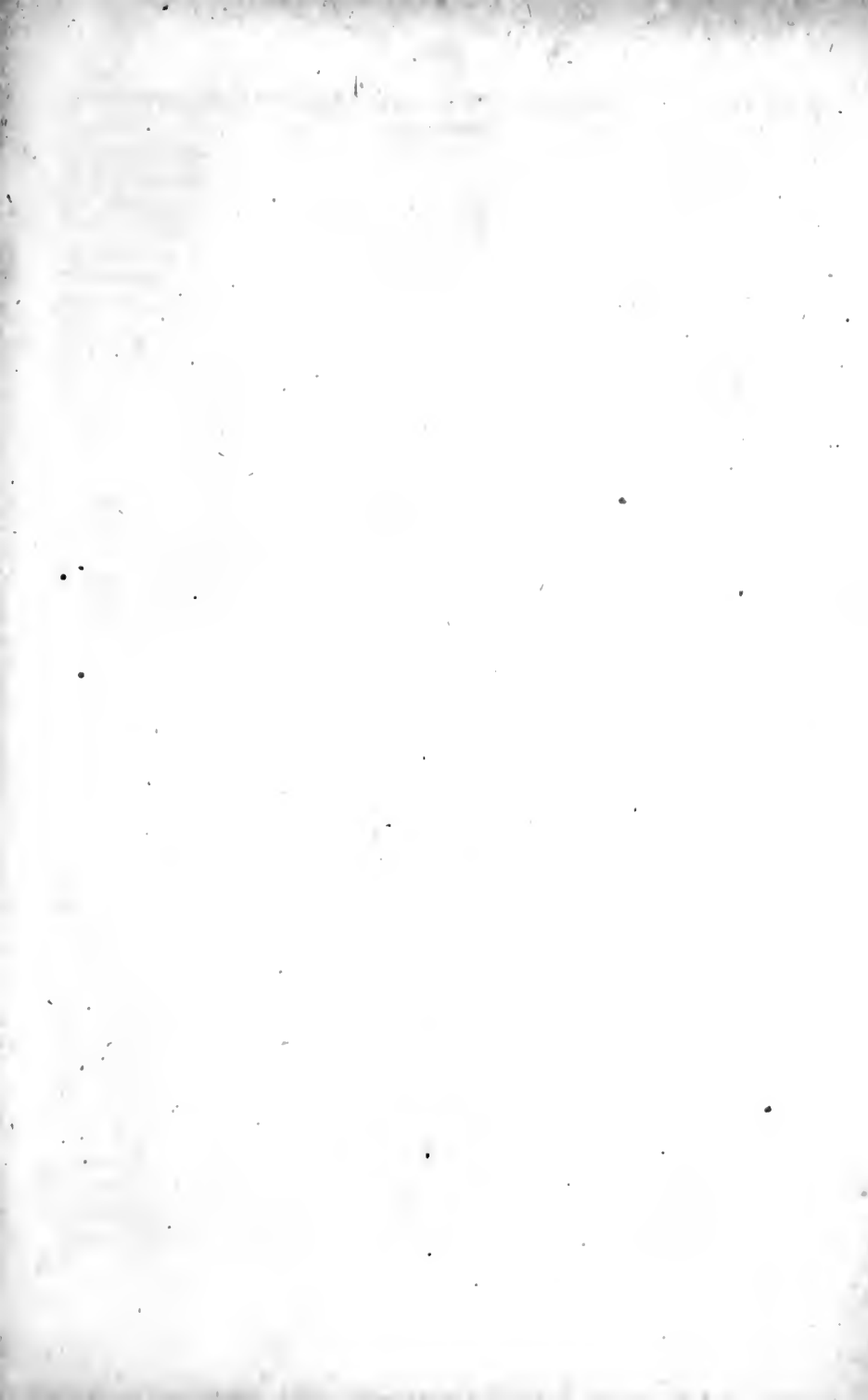
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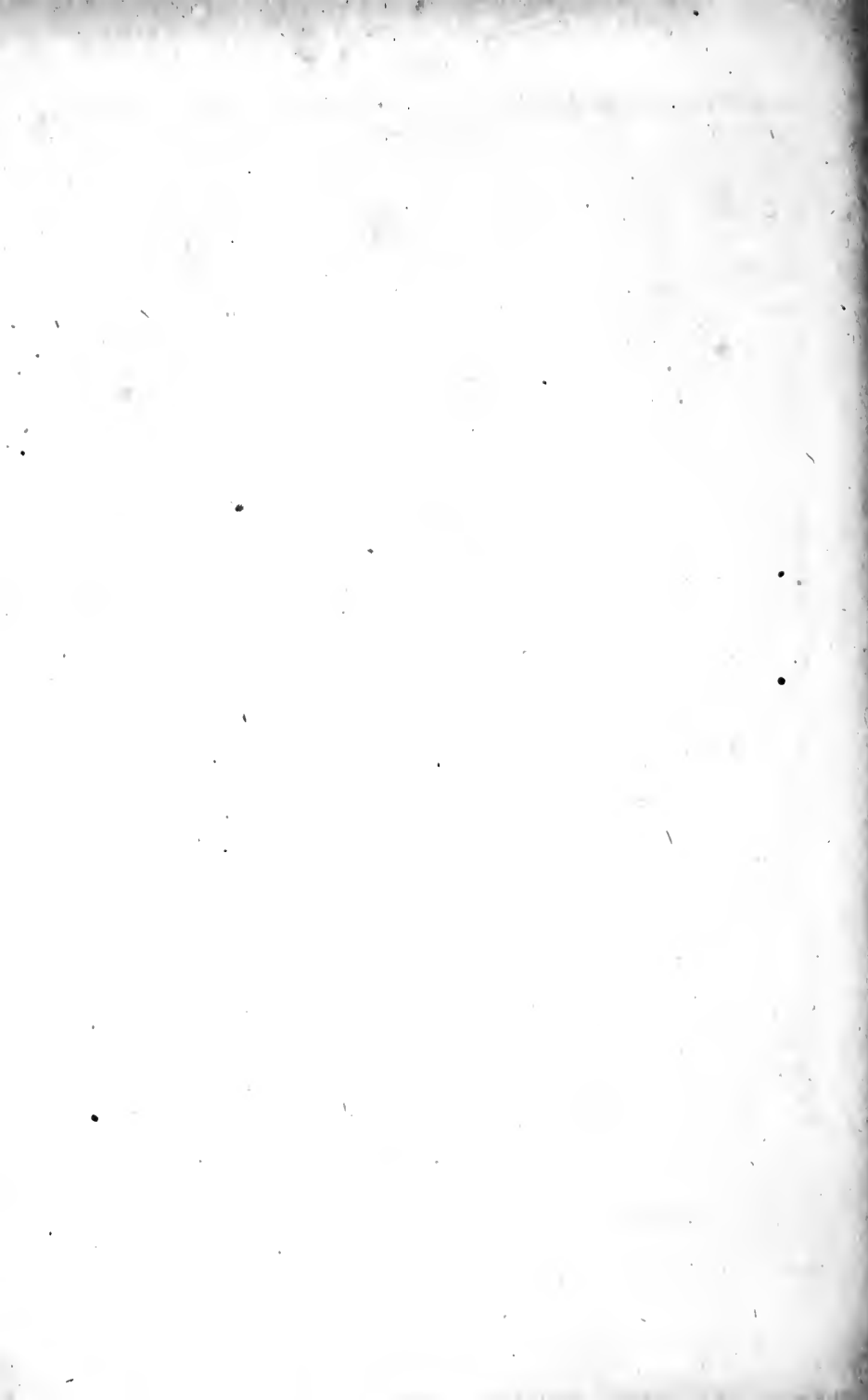
NAMES.	COUNTIES.	POST OFFICES.
Gafford, S. F.	Butler	Greenville.
Gardner, J. T.	Pickens	Reform.
Gibson, A. M.	Blount	Blountsville.
Graves, P. T.	Lowndes	Manack.
Greathouse, E.	Tallapoosa	Dadeville.
Greene, William	Conceh	Evergreen.
Hames, W. M.	Calhoun	Jacksonville.
Head, J. C.	Macon	Auburn.
Holley, A.	Covington	Andalusia.
Hollis, D. W.	Marion	Moscow.
Howard, L.	Autauga	Mulberry.
Howell, G. W.	Cherokee	Howell's Cross Roads.
Jones, C. W.	Barbour	Clayton.
Keenan, J.	Shelby	Montevallo.
Kennon, H. I. M.	Dale	Westville.
Kilpatrick, J. T.	Clarke	Grove Hill.
Lawler, L. W.	Talladega	Alpine.
Leeper, S.	Shelby	Columbiana.
Lewis, T. P.	Tuscaloosa	Tuscaloosa.
Ligon, A. W.	Franklin	Newberry.
Magee, Jacob.	Mobile	Mobile.
Malone, G. S.	DeKalb	Lebanon.
Manasco, John.	Walker	Holly Grove.
May, W. S.	Lowndes	Benton.
Mitchell, D. B.	Russell	Talbot.
Modawell, W. B.	Marengo	McKinley.
Moore, John.	Wilcox	Snow Hill.
Moore, John G.	Coffee	Elba.
Morrow, John C.	Jefferson	Elyton.
Moulton, C. F.	Mobile	Mobile.
McAlexander, A.	Lauderdale	Flournce.
McCain, T. U. T.	Coosa	Wetumpka.
McImis, John.	Sumter	Sumterville.
McClellan, J. B.	Limestone	Athens.
McLemore, J. J.	Chambers	Chambers C. H.
Nisbet, F. A.	Russell	Oswitchee.
Ogbourne, W. H.	Montgomery	Montgomery.
Orr, A.	Franklin	Pleasant Site.
Parish, L.	Henry	Abbeville.
Parker, C. A.	Barbour	Mount Andrew.
Parker, E. S. C.	Coosa	Nixburg.
Parsons, L. E.	Talladega	Talladega.

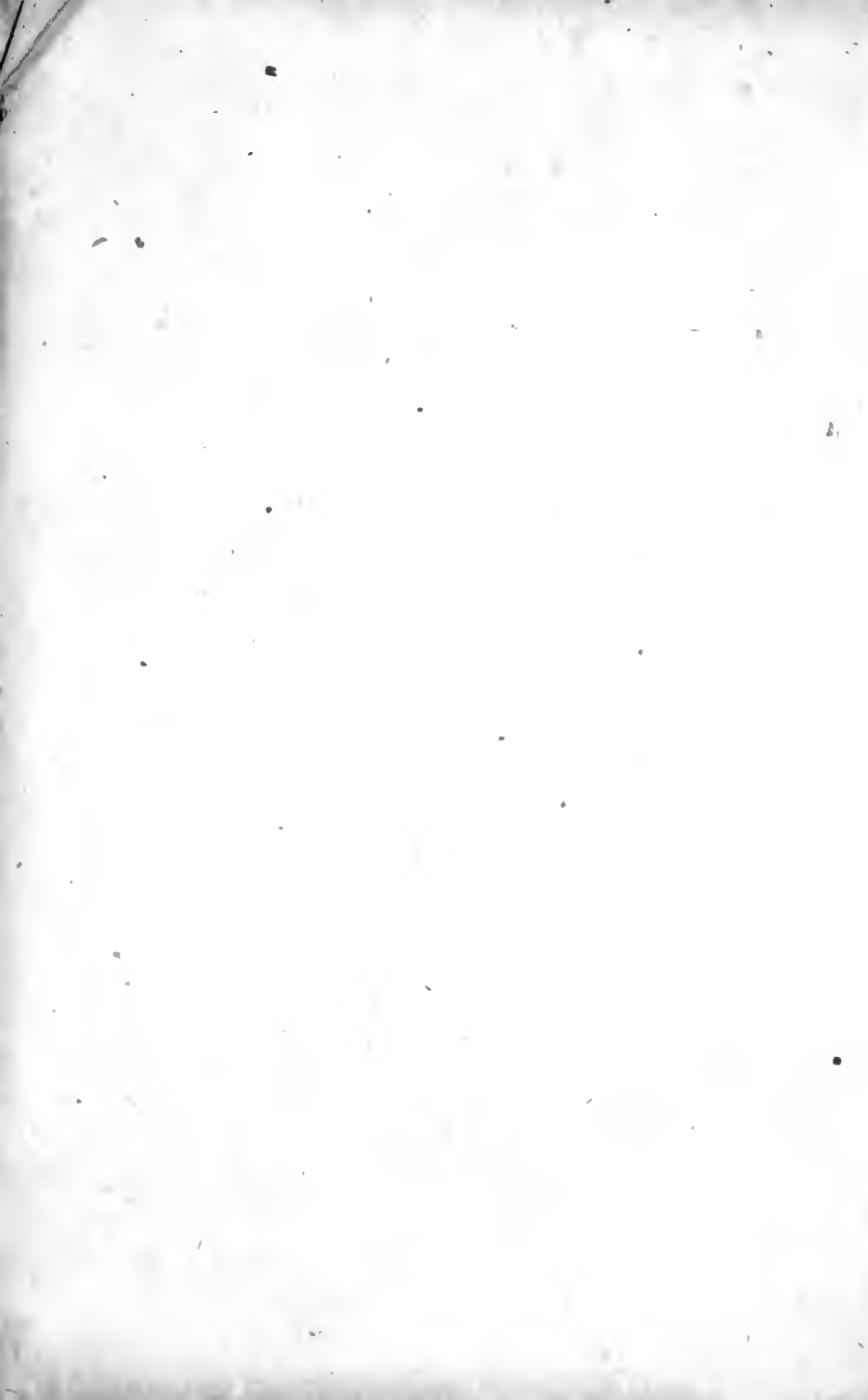
NAMES OF REPRESENTATIVES AND THEIR POST OFFICES.

(Continued.)

NAMES.	COUNTIES.	POST OFFICES.
Price, J. L.	Perry	Uniontown.
Read, E. T.	Calhoun	Jacksonville.
Robinson, W. H.	Jackson	Bellefonte.
Ryan, D. T.	Calhoun	Jacksonville.
Scruggs, J. W.	Madison	Huntsville.
Seay, J.	Fayette	Mud Creek.
Sims, H.	Talladega	Talladega.
Sibley, John.	Marshall	Guntersville.
Sykes, F. W.	Lawrence	Courtland.
Taylor, J. T.	Mobile	Mobile.
Towles, J. C.	Chambers	Chambers C. H.
Vansandt, J.	Coosa	Rockford.
Vincent, W. A.	Cherokee	Gadsden.
West, A. A.	Tallapoosa	County Line.
White, Z.	Winston	Littlesville.
Williams, George W.	Henry	Abbeville.
Wolff, Samuel.	Mobile	Mobile.
Young, J. W.	Jackson	Scottsboro.









Siedenthorst.